INQUIRY

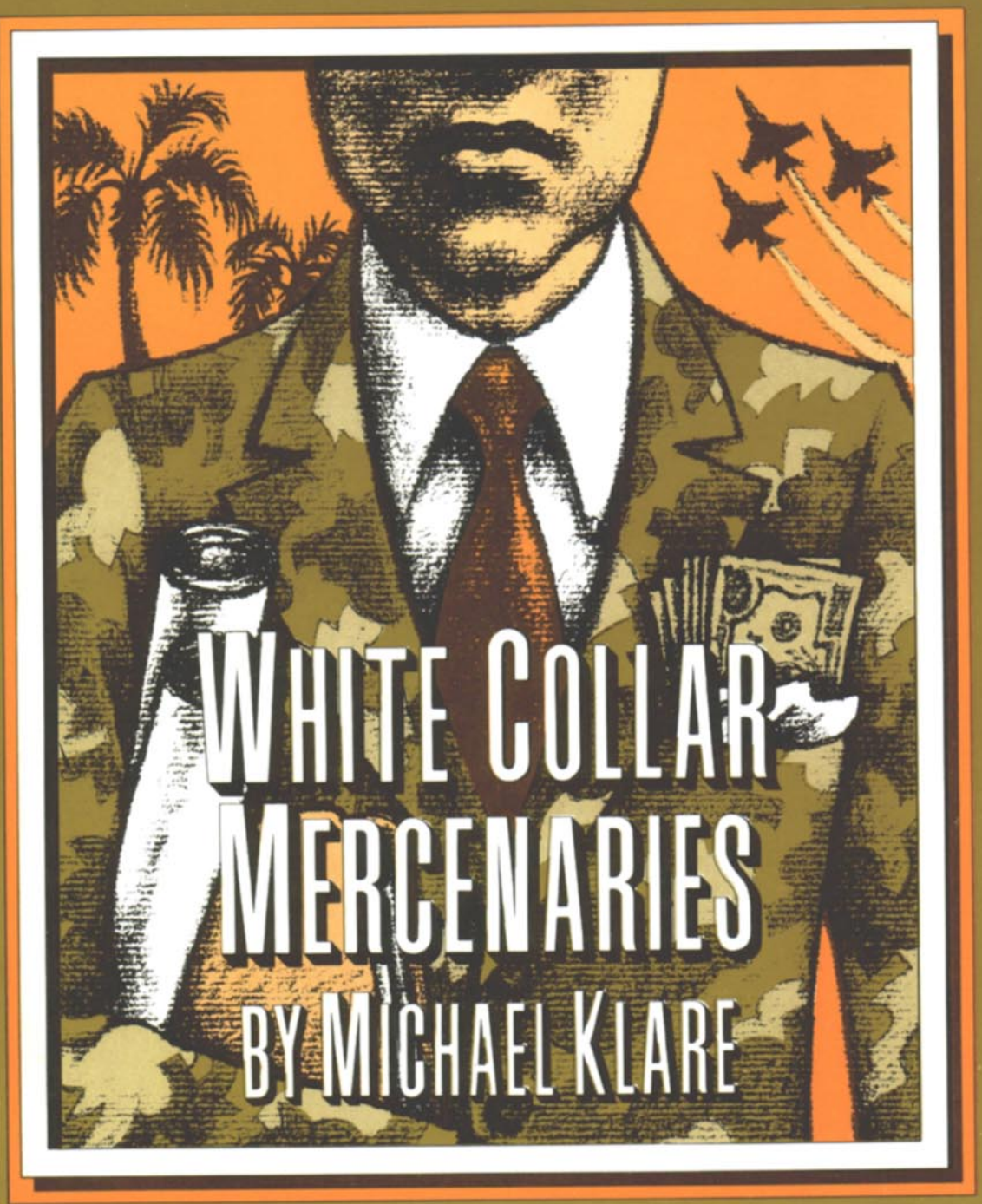
MAGAZINE

OCTOBER 16, 1978 • $1.25

David Wise: *Carter's New Secrecy*

William Shawcross: *Cambodian Terror*

Noel Perrin: *The Disappearing Black*



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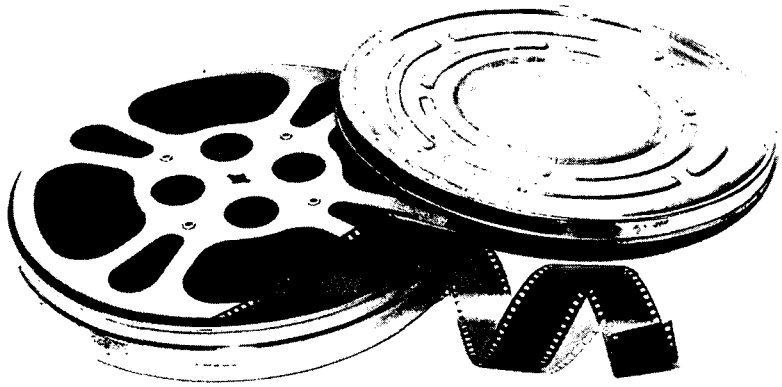
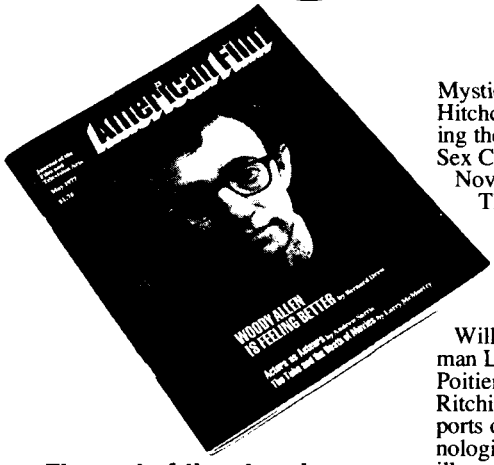


Only part of the story is in the can.



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What's more, it would be the easy thing to do

■ President Anastasio Somoza of Nicaragua, beset by guerrilla attacks, widespread demonstrations, a national strike and a plot within the national guard that keeps him in power, vowed Tuesday that he would not resign. . . .

"To resign, which is what the opposition wants me to do, would be to betray the aspirations of the people of Nicaragua to live in a free society. To resign would be to betray the men in uniform who have defended the society with their lives. To resign would be to open up this country to chaos and anarchy."

—*Los Angeles Times, Aug. 30, 1978*

This time he's gone too far

■ President Carter traveled more than 1,000 miles to the Midwest heartland Monday to appeal to the nation's farmers to help him counter "special interest lobbies" and get his legislation passed by Congress. . . .

"The Congress hears from the special interest lobbies. They need to hear from you," Carter told the cattle and soybean farmers. "The fight against inflation becomes nearly impossible when the pressures of special economic interest lobbies are successful."

After recalling his own life as a peanut farmer, Carter vowed "to go as far as I possibly can to get the government out of the farm business."

—*Los Angeles Times, Aug. 15, 1978*

■ [Tobacco] growers and traders, standing among aromatic batches of golden bright-leaf tobacco piled on the warehouse floor, applauded when the President endorsed crop loans and other federal farm programs for tobacco growers. "As long as I am in the White House and have people like Sen. Bob Morgan (D-N.C.) and Congressman (L.H.) Fountain (D-N.C.) to help me, we will have a good loan program for tobacco in the federal government," the President promised.

—*Los Angeles Times, Aug. 6, 1978*

The majesty of the law

■ According to Stephen Brill, in the September 12 *Esquire*, he and CBS reporter Fred Graham had the following colloquy with Chief Justice Warren Burger during the recent American Bar Association convention.

"Has the *New York Times* fired Garry Wills yet?" Burger asked Graham.

"Why?" Graham asked.

"Because he did that column the other day saying that reporters don't have any more right than the President of the United States not to turn over subpoenaed papers. Did you see it? It was great. . . . Well, aren't you guys going to fire him from the journalism profession for writing that?" Burger then laughed and added, "You know they just took Farber off to jail a little while ago."

Taxpayers don't want dolphins with good taste, they want dolphins that taste good

■ The California Arts Council, which has been buffeted by criticism and rocked by attempts to abolish it, came under fire again Friday when a state senator [Dennis Carpenter] charged the council was supporting . . . "the underbelly of society." . . .

He also said, "You know, we put these matrons from Los Angeles society on this commission and they think they're doing good and it makes them feel wonderful, but they don't know what's really going on. And way down at the bottom of this thing you've got this dingbat over on the coast who was recording whale songs."

[Council chairman Peter] Coyote said that Carpenter has "totally misrepresented" the facts. "The council never funded anyone to play music to whales. The council did fund a musician to design a musical instrument which could play music in the frequency to which dolphins respond."

—*Los Angeles Times, Aug. 26, 1978*

The capital of Ohio is either Columbus or Springfield

■ I had so much to learn when I first came here. I had to learn the structure of government, the budgeting process. I had to do an enormous amount of background study just to learn where all the nations of the world were and who their leaders were and what their major issues might be on a bilateral basis with us. . . .

—JIMMY CARTER *in Newsweek, Aug. 28, 1978*

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The question dividing Israel

Peace or settlements?

ON SEPTEMBER 17, PRIME MINISTER Menachem Begin of Israel succeeded in getting Egypt's President Anwar el-Sadat to agree to a revised edition of the Israeli government's plan for the occupied territories of Gaza and the West Bank. Begin's plan with its new face-lift will, over the course of five years, turn over to West Bank and Gaza residents administration of crime control, schooling, farm policy, medical care, tourism, and local commerce. This is substantially what Yitzhak Rabin had offered the West Bank mayors five years ago when he was prime minister. Once a local, partly Jordanian gendarmerie has been set up and approved by the Israelis, Israel's forces will no longer need to administer martial law in these areas, but will retain military control via strategically located garrisons.

Nothing in the agreement commits the Israelis to total withdrawal from the West Bank or to Arab sovereignty over the West Bank in the future, although the pact does commit the Israelis to what was already an important minority position in Begin's cabinet—namely a resolve to try to work out the final status of the West Bank after five years.

Nothing in the agreement neutralizes the explosive issue of the status of Jerusalem, though Israel and Egypt will exchange letters setting forth their views on the subject. At present, traditionally Jewish and Arab districts of Jerusalem have been administratively unified by the Israelis. The agreement's complete silence as to the future of the Golan Heights is especially striking. Understandably, Syria has already denounced the agreement.

Finally, the agreement never seriously addresses the legitimate rights of pre-1967 Palestinian refugees to repatriation and self-determination. Participation of Palestinians in semiautonomous local institutions will be confined to those who live in the West Bank and the Gaza strip. The plan basically ignores the rights of the 1.5 million Palestinians who now live outside Israeli control.

It is our position that a just peace requires implementation of the UN General Assembly resolution of December 11, 1948, which recognizes the right of Palestinian refugees to choose between returning to their old homes and receiving compensation. But, without discussing here the intricacies of a right of return and self-determination, Sadat was at least right in his November 1977 position that return of the territories that Israel has occupied since 1967 is necessary for peace. The problem is that Israel wants to hang on to military control of Gaza, the West Bank, and the Golan Heights, and the more than 100 military and civilian Jewish settlements in these areas and the Sinai.

Although a few of the settlements are on sites of pre-1948 Jewish settlements, the bulk of the new settlements are on land taken from Arab villagers and Bedouin tribesmen. On the West Bank, where some settlements have been built on former Jordanian army camps, the local Arab farmers point out that the Jordanian military shouldn't have taken the land in the first place. The Palestinian Arabs have feared that Begin planned to expand the settlements and gradually pressure the Arabs to leave Palestine.

Such fears are understandable in light of Begin's own pronouncements on the "liberated territories" of Judea and Samaria and his government's efforts to gradually incorporate the West Bank into Israel. The August 1977 extension of the Israeli government's unemployment insurance, social security, and ban on child labor to Gaza and the West Bank created a situation that will be difficult to unravel, even if the Israelis want to.

The future Israeli policy on settlements will, it seems, determine whether any concrete progress comes out of the Sadat initiative of last November. Egypt has made removal of Israeli settlements in the Sinai a prerequisite of a separate peace with Israel in three months. But even on settlements in the Sinai, the Israeli government is as yet uncommitted to a rollback. Furthermore, maintenance of an atmosphere conducive to negotiations hinges, to a large degree, on an Israeli freeze on further settlements in Gaza and the West Bank. But does Begin have the willpower and political strength to forcibly prevent settlements by such militant Israeli groups as Gush Emunim? Even further, is Begin prepared in the long run to return these settlement sites to Arab hands?

Up until the Camp David agreement, the Israeli cabinet had been more or less evenly divided over superficial aspects of settlements policy. One faction, headed by Agricultural Minister Ariel Sharon, favored rapid construction—regardless of the attitude of Egypt—of many small settlements crisscrossing the occupied territories. The other, headed by Defense Minister Ezer Weizman, favored rapid construction of fewer but larger settlements and wanted to link construction plans to the pace of Mideast negotiations.

Shortly after the Camp David accord, however, Weizman told reporters that this was "the real thing," and Sharon described the agreement as "a tremendous step forward toward true peace." Neither spoke directly about Israeli settlement policy. Labor Alignment leader Shimon Peres, on the other hand, explicitly expressed doubt about paying "the heavy price" of giving up new Jewish settlements on the West Bank.

Despite the ambivalence and ambiguity of Israeli leaders on settlements policy, public pressure for a halt to settlement-building has been mounting. Last March, a poll conducted by the Israeli Public Opinion Research Institute indicated that many Israelis question the government's policy of establishing settlements in the occupied territories. The poll was commissioned by Citizens for Peace Now, and so the questions it posed reflect the alternatives that the Peace Now movement believes face the Israeli public. Asked to choose between peace now and an ability to settle in occupied lands, 70 percent chose peace, and 18 percent chose settlement rights. Asked whether they thought building

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new settlements in the occupied territories during peace negotiations was justified, 60 percent said it was not, 22 percent said it was justified, and 9 percent said it might be justified.

Dissatisfaction with the Begin government had grown so severe and so desperate that some in the military declared their intent to mutiny over the settlements. On August 22, 100 army reservists, officers, and enlisted men proclaimed in an open letter to Begin that they would refuse to obey orders to guard Jewish settlements in Gaza or on the West Bank. They maintained in their letter that they had taken an oath to defend Israel, not to expand it. These military men took a step beyond the drafters and signers of the February Peace Now letter. That letter asked Begin to choose peace over territories but assured the prime minister that all signatories would obey orders.

All those who want to see further steps toward a just peace in the Middle East can only hope that the new strength and activism of peace groups inside Israel will lead to self-restraint on the part of the Israeli government in its settlement policies. Otherwise, whatever gains there have been from the Sadat initiative and the Camp David talks will be lost. ❑

Congress enters the games

Olympic meddling

FEW PEOPLE REALIZE THAT WHEN modern Olympics founder Baron Pierre de Coubertin said, "The important thing in life is not the victory, but the struggle; the essential thing is not to have conquered but to have fought well," he was not talking about Olympic sportsmanship. Rather, he was referring to his exhilarating experience defending the International Olympic Committee (IOC) from political attacks after the 1908 games.

Since de Coubertin started the games in 1896, politics and the Olympics have gone hand in hand. And the current hoopla over the 1980 Olympics in Moscow—the first to be held in a Communist country—shows that these games will not be any different. In fact, they will probably be worse.

Representative Jack Kemp (R.-N.Y.) has introduced a "Sense of the House" resolution, cosponsored by 32 other congressmen, to move the games out of the Soviet Union. Kemp wants to show U.S. condemnation of internal Soviet policy, first, by asking for the relocation of the games, and second, by removing U.S. teams from competition if the games are not moved. Kemp's bill, H.R. 1268, and its Senate twin, introduced by Senator Wendell Anderson (D.-Minn.), cite as reasons for moving the games the recent trials of dissidents and doubts about whether the Soviet Union will permit Israel and Taiwan to participate in the Olympics.

But what really bothers the congressmen is the Soviet "propaganda coup" paid for and engineered by NBC. They disapprove of NBC's aiding "Russia's purpose . . . to show the world a facade of a happy, calm, and mighty nation" peopled by models of the "new Soviet man." Because they view the Olympics as another forum for Cold War grappling and because they have no power over NBC's business deals, they have decided to ask for the relocation of the Olympics.

But in their efforts to prevent the Soviets from "politicizing" the games through propaganda, the congressmen are sticking their noses into what is none of their business. As recorded in its articles of incorporation, one purpose of the U.S. Olympic Committee is "to exercise exclusive jurisdiction" over "all matters pertaining to" U.S. participation in the games. In response to the congressional resolutions, the USOC restated its obligation to abide by IOC rules and not to send teams to "pseudo-competitions," or any games not run according to IOC rules, such as those excluding nations—like Israel—on the basis of race, religion, or politics. The USOC, however, is not interested in taking the "preventative measures" the congressmen suggest. As USOC President Robert Kane has said, "We should keep in mind that if we impinge on the authority of foreign governments, the United States Olympic Committee would be guilty, itself, of infusing politics into the world Olympic movement."

But the USOC is undermining its apolitical stand in foreign affairs by pleading for domestic congressional support and tax money to revamp athletics in this country. The Amateur Sports Act of 1978, based on recommendations from the President's Commission on the Olympics, would award the USOC $12 million to create a national sports training program and $18 million to reorganize amateur sports associations. The USOC and its component sports groups—eager for the money and apparently unaware of the concommitant loss of independence—have been lobbying heavily for the bill. The Senate passed its version with the funding intact, while a House subcommittee deleted the money from its bill in August.

The Amateur Sports Act seems closer to passage right now than Kemp's resolution, which will probably receive more support and publicity during the 1980 election year, but both are equally deplorable examples of political encroachment on the Olympics. They represent the worst kind of nationalism that, unfortunately, the Olympic games bring out in governments. Even though the IOC records no official nation-by-nation scores, American and Soviet officials seem to feel that the number of gold medals a nation wins represents the intrinsic value of its system of government. Because the Soviet Union and Eastern European nations send to the games excellent government-trained athletes, who are still classed as amateurs by the IOC, Congress and the President's Commission on the Olympics respond with legislative proposals like the Amateur Sports Act. And because Moscow supposedly has a 16-day opportunity to show off the glories of Communism as well as its athletes and its Olympic facilities, some congressmen call for a relocation or boycott of the games.

The best way to minimize the politicism inherent in the modern Olympics is to return them to the athletes. Congress has no right to make Cold War foreign policy based on swimming scores, or to use taxes to pay for training pole vaulters. Perhaps the IOC could revamp its rules to allow the best athletes of each country to compete, regardless of whether they are professional or amateur, whatever those words mean nowadays. And the IOC could decide to stage the games in a politically neutral city. But even if the IOC does not want to revise its guidelines, sportsmen, not governments, should be the competitors at the Olympics. After all, as a Soviet athlete said in 1967, "If everyone were an athlete, we would have a much better chance for peace. We would break records—not each others' heads." ❑

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LETTERS

Letters to the editor should be addressed to INQUIRY Magazine, 1700 Montgomery Street, San Francisco, California 94111. The editors reserve the right to edit letters for length when necessary.

Checking the facts

I READ WITH DISMAY MARjorie Boyd's article, "Reorganization: Carter's Big Lie" [*INQUIRY*, June 12, 1978]. Ms. Boyd cites a figure that only 226 federal employees were fired in 1977. Now, we should all know that that figure was in error and erroneously released by the White House. Too bad that the retraction never got the same coverage. The truth is that over 200,000 federal employees were terminated in 1977. Another 3000 probationary employees also got the heave-ho. These figures represent approximately 7 percent of the federal work force. An additional 200,000 federal employees just got up and left.

I hope that in the future both the editors of *INQUIRY* and Marjorie Boyd will spend more time checking their facts and forming their opinions.

RAYMOND W. LAING
Pacifica, Calif.

MARJORIE BOYD replies: Mr. Alan Campbell, chairman of the Civil Service Commission, did put out a little-noticed "clarifying" statement about two months after President Carter's speech. President Carter should have said that only 226 people lost their jobs for inefficiency out of the 2 million who have the full appeals protection of the civil service. *This is, after all, the group which was the subject of his reform effort and the subject of my article. There were other employees, mostly very new ones, who were fired, such as the 4269 who were on probation and 2287 who resigned in lieu of adverse action. But Campbell defended the President's use of the 226 figure, saying, "The figure used by the President is accurate . . . We think it is significant to distinguish between discharge of employees who have appeal rights and those who did not." But even when all of these groups are added together–employees who only worked a few days, employees who misrepresented their qualifications on application forms, and employees who got their jobs by hiding a problem such as chronic alcoholism—there were in 1976 only 17,157 out of 2.8 million who could even claim to have been fired. This is about 0.6 percent.*

Mr. Laing's 200,000 figure or "7 percent of the federal work force" is an appalling exaggeration, but astonishingly it is being used in Washington regularly by federal employee union leaders on television talk shows and in their letters to editors. I went to the Civil Service Commission and asked them to try to help me figure out why union leaders, who must know better, would be making this claim. Apparently, the explanation lies in their use of the word "terminated." In the official language of the Civil Service Commission, "terminated" means the ending of temporary employment. In fiscal 1977 it is estimated that 200,375 temporary employments were terminated. But these could in no sense be called firings, since the jobs were clearly labeled as temporary from the start and many had specific expiration dates.

Moral barbarism?

PRESIDENT CARTER'S NAtional health scheme may indeed be worse than none at all, but your editorial tirade against the general *principle* of public health insurance [*INQUIRY*, Aug. 21, 1978] is sheer prejudice.

To see the issue from a typical middle-class (and thus fairly well-off) perspective: I have a family of four and a medical bill this year of over $1000, including insurance premiums and absent any single major expense not covered by the latter. Nothing that could happen to our taxes could possibly be that bad—or as "inflationary" as the rates charged to Blue Cross on our behalf. Moreover, I would welcome the opportunity to pay my medical bills in advance through taxes, since close to half-a-dozen times in recent months I have failed to go to a doctor when I should have, so as not to increase our "medical tax" bill.

As for your comparison with Great Britain, I can't believe that you have any experience of that nation. "Depersonalization" in treatment occurs no more there than here, but is rather entirely an aspect of social class and place of residence in both countries, so that a middle-class person in Devon gets much more personalized treatment than a poor person in Chicago. And one of the main reasons for the long waiting lists for hospital treatment (in addition to the historical causes that precede rather than follow the adoption of national health insurance) is that comparative demand for operations is "inflated" by the wonderful circumstance that, unlike in the U.S., everyone who wants an operation knows that he or she can afford it!

Your editorial finally bespeaks a class-conscious unconcern for those who are less well-off than you, and who can only benefit greatly from what you call "bureaucratization" and "government intervention" (as though many of the best things in all our lives were not a product of exactly that!). The absence of a prepaid health care scheme available to all who want it, and paid for by all who live together in a community, is the surest sign there is of moral and social barbarism.

PHILIP GREEN
Professor of Government
Smith College, Northampton, Mass.

All scarce resources (i.e., those for which demand at zero price exceeds supply) must be allocated in some fashion or other, and medical care, however one looks at it, is such a resource. Decisions respecting the allocation of health care can either be made by *individuals or* for *them. There is certainly no guarantee that if these decisions are made* for *them, the amount of health care—not to speak of its quality—will be increased, nor that access to health care will be assured, nor that it will be equitably distributed. It seems of little value to be able to "afford" adequate medical care if it is not available, except at some distant, unspecified time.*

Public-sector expenditures on health care already exceed $60 billion, or $300 per person. One is well advised to calculate whether a family of four benefits more from the $1000 it spends annually on medical bills or its $1200 share of the tax bill already spent on public health care.

A tally of the best things in life that are the product of bureaucratization can be made on the fingers of one ear. —EDITORS

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NAT HENTOFF

The confused martyrdom of M. A. Farber

ON A BECALMED AUGUST Sunday, a pride of New York journalists—from the *Times* and other papers—were demonstrating outside New Jersey's Bergen County jail on behalf of a colleague locked in that slammer. They were also bearing witness to the First Amendment. It and the man behind bars were indivisible. Indeed, one of their placards identified the jailed M. A. Farber of the *New York Times* as a "prisoner of conscience."

Meanwhile, throughout the country, the press, with exceedingly few exceptions, has given fiercely unqualified support to the embattled Farber. And the perennially eloquent junior senator from New York, Daniel Patrick Moynihan, characterizes what has befallen Farber as "a crisis without equivalence in the modern history of the American press."

Nonetheless, there are two separate, equally dangerous issues involved in the martyrdom of M. A. Farber; and the second of them—the right of a defendant to a fair trial—has been largely ignored in the rush to condemn the incarceration of the *Times* reporter for defying a court order to turn over his confidential notes.

To undo the confusion caused by the press in this Farber matter, let us begin with a brief account of the background to his troubles. In 1965 and 1966, a number of mysterious deaths occurred at a New Jersey hospital. No one could get a handle on these apparent homicides until M. A. Farber dug into the case years later. His resultant series of *Times* articles in 1976 led the Bergen County prosecutor to reopen the investigation. Subsequently, Dr. Mario Jascalevich was indicted for five alleged murders. (The count has since been reduced to three.)

Defending Jascalevich is Raymond Brown, a longtime civil rights activist who is best known as a ceaselessly diligent, skillful criminal lawyer. Brown told the trial judge that he needed Farber's interviews, notes, recordings, and everything else the *Times* man had gathered in reporting on the case. After all, a defendant has the right to call witnesses on his behalf, and that right also includes access to materials that might impeach witnesses being arrayed by the prosecution against him.

When Brown subpoenaed Farber's file, the journalist refused to deliver it. Thereupon, the trial judge said *he* would review the material *in camera* (by himself in his chambers) and would then decide what, if anything, was germane to the defense. Farber again refused to hand over the file. A reporter's notes, which might well reveal confidential sources, cannot be commandeered by anyone, said Farber. Otherwise, "honest, independent"

BRUCE MCGILLIVRAY

NAT HENTOFF writes a regular monthly column on civil liberties issues for INQUIRY. His recent books include Does Anybody Give a Damn? *and* Jazz Is.

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reporting will be vitiated. "Anyone" includes a judge, for the judiciary is a branch of the government, and a journalist cannot be a tool of government.

Farber and the *Times* were cited for contempt of court, and after a series of maneuvers by *Times* lawyers—in the courts of New Jersey, as well as in the United States Supreme Court—the reporter wound up in the Bergen County jail. The contempt penalties were severe. Farber was fined $2000 and sentenced to jail until he hands over his notes. (Or until he is sprung by some new legal stratagem, or until the trial is over.) Whether or not he ultimately delivers those notes, Farber has also been hit with a later six-month jail term, also for contempt. The *Times*, which had some material in its own hands, has been fined $100,000—plus $5000 a day until the Farber file is in the judge's hands.

Most journalists do not understand that a defendant has rights that the press ought to respect.

WHETHER OR NOT FARBER has been released by the time you read this, his case will continue to be a classic confrontation between First Amendment and Sixth Amendment (fair trial) rights. That it has been reported so sloppily and self-righteously by the press indicates how deficient most journalists are in their understanding that a defendant *does* have rights that even the press ought to be somewhat sensitive to. In this instance, Dr. Jascalevich has been the invisible man during the news business's toasts to M. A. Farber.

Some of the anger of editorial writers and reporters is surely justified. Farber should not have been jailed without a hearing on the merits of his constitutional arguments—that both the First Amendment and the New Jersey "shield law" protect him against forced disclosure of sources and notes. The latter, one of the strongest of 26 such state laws, shields a reporter from having to reveal the names of his sources and "any news or information obtained in the course of pursuing his professional activities, whether or not it is disseminated."

Yet not one of the court hearings that led to Farber's jailing dealt with the *validity*—on constitutional and statutory (the New Jersey "shield law") grounds—of the subpoena mandating that he turn over his notes. This is hardly a splendid illustration of the workings of due process of law. Or, as the Queen of Hearts put it, "Sentence first—verdict afterwards."

A second just cause of outrage is that among the merits *not* considered by any court before the jugging of Farber was the scope of the subpoena. It was so "overbroad" as to be a caricature of that term. The trial judge demanded *everything* Farber had—"all statements, pictures, memoranda, recordings and notes of interviews of witnesses for the defense and prosecution." Involved may be as many as 4000 items.

This very model of a fishing expedition troubled Supreme Court Justice Thurgood Marshall. He wanted to order a stay on the merits but came down the other way, because he didn't believe he could get three other justices to grant a full hearing of the case in its present state. However, Marshall pointed out: "Given the likelihood that forced disclosure even for *in camera* review [by the judge alone] will inhibit the reporter's and newspaper's exercise of First Amendment rights, I believe that *some threshold showing of materiality, relevance, and necessity should be required.*" (Emphasis added.)

That is, at no point had the defense been ordered to make a reasonably precise showing of what it actually needed—or thought it needed—in Farber's huge file. If the defense could not make such a showing, then the First Amendment would prevail over Jascalevich's Sixth Amendment rights. But neither Farber nor the *Times* was allowed to press the defense on that point.

Therefore, the contempt sentences, meted out without a hearing, are plainly abominable.

And in addition to the indeterminate jailing of a reporter who has not been able to defend himself, the fines against the *Times* are particularly ominous. That newspaper can bear these punitive costs for quite a while, but elsewhere, smaller newspapers could be literally crushed. Ken Johnson, editor of the *Daily Sentinel* in Grand Junction, Colorado, told *Editor & Publisher*: "There would be no recourse against such an incredible abuse of judicial power. We would have to capitulate to the judge's outrageous and illegal demands, or simply say there no longer will be a free and independent newspaper in this community."

ALL THIS HAVING BEEN said in justification of the howling of the press on the jailing of M. A. Farber and the financial lashing of the *Times*, it has to be added that the press went beyond these pernicious abuses of due process by roaring its support of the holy notion that Farber should *never* turn over his notes under *any* circumstances.

The fundamental issue here, said the *Washington Post*, is that if Farber has to turn over his file, *"all* potential sources of information will be endangered." Added the *Boston Globe:* "A free press must be unencumbered in its ability to search for, to receive and to safeguard information. And it must be at liberty to decide how and when to use that information."

A much aggrieved *Los Angeles Times* warned that "forced disclosure to any third party—even the court—will destroy the principle of confidentiality. Moreover, it would convert journalists into agents of both prosecution and defense." Even the gruffly conservative *New York Daily News* proclaimed that "Farber and *The Times* are right to resist with every means at their command—for every American's sake."

But what about that particular American in the defendant's dock, the somehow overlooked Dr. Jascalevich?

A First Amendment absolutist might say that preserving the integrity of the press—its credibility with confidential sources—is more important, alas, than the fate of any single defendant. It is an arguably logical position, though I find it untenable on human (as contrasted with abstract) grounds.

Much more difficult, of course, is having to cope with the actual clash here between the First and Sixth amendments. Farber claims that as the world's greatest expert on his own file, he *knows* there is nothing there that will help the defense. But he is not the defense attorney. Farber does not know what Raymond Brown knows.

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And it is possible—if Brown does get parts of the file—that a lead here and there will make exculpatory sense once Brown connects them to information *he* has that Farber doesn't know about.

Anthony Lewis, in the *New York Times,* provides another example of how a reporter's notes could be essential to the defense: "Suppose that, during the McCarthy period in the 1950s, a red-baiting magazine ran an article charging some man with illegal Communist activity. The man is tried. His lawyers have reason to think that the witnesses against him, in talking to the writer for the magazine, made statements inconsistent with what they are now saying on the stand. Shouldn't the lawyers be able to probe those inconsistencies?"

(I would add that as an opponent of libel suits or any other action punishing a publication for what it prints, I would be against any sanctions on the magazine or its reporter. But I do agree that if someone were fired or otherwise injured because of published false charges of illegal Communist activity, he surely should have a shot at getting access to whatever witnesses and material could help clear him.)

MOREOVER, WHEN someone is on trial for murder—with the penalties that kind of conviction entails—can the press use the First Amendment to deny the defendant information that may acquit him?

It is an ethics-of-the-trade question that relatively few journalists appear to have probed. Granted that confidential sources are essential to the gathering of news. Granted too that a reporter who gives up such sources to any branch of government erodes not only his own credibility with future sources, but the credibility of all reporters. And add to confidential sources those other kinds of raw private notes that, as *The New Yorker* says, are integral to a journalist's processes of free thought (which comes before free speech). None of this should be available to anyone but the reporter. But are there really to be *no* exceptions under *any* circumstances?

The American Civil Liberties Union believes—and this reporter agrees—that while exceptions must be made exceedingly difficult, they are possible. Bruce Ennis, the ACLU's legal director, says, "We do not believe in 'balancing' the First Amendment against other rights. Our presumption is strongly in favor of First Amendment priority. In a case like this, demanding Farber's notes is not a direct infringement of the First Amendment because he has not been told what he can or cannot publish. However, trying to get at a reporter's sources *is* an indirect interference with the First Amendment, and we support the reporter's right of confidentiality in most circumstances. That's because otherwise, his sources will very likely dry up."

How, then, might the ACLU make an exception in the matter of Farber and Jascalevich?

"What I said about sources drying up," explained Ennis, "is speculative. The defendant is not. He is *there.* And if his lawyer claims that he must get access to some particular sections of a reporter's notes, the lawyer must bear the burden of showing—at a hearing—that the reporter might have information that is not only relevant and material to the defense but is also *necessary* to it. And, moreover, that this information cannot be obtained anywhere else."

"In this Jascalevich trial," Ennis continued, "the reporter has been instrumental, in large part, in reopening the grand jury proceedings which then led to the indictment of the defendant. In going over those early newspaper stories, the defense attorney might see certain damaging quotes attributed to a person who later became a witness against his client. The attorney may have reason to believe that there were *other* quotes, from the same interview, which were not published. And those other quotes may be relevant for his cross-examination of this particular witness. Now, if the defense asks for that narrowly limited, unpublished material, it's not a fishing expedition. And it is constitutional."

ON THE OTHER HAND, WHAT if M. A. Farber—even after a full hearing on the merits—continues to resist revealing *anything* in this file to the Jascalevich defense? He might. On August 16, Farber wrote from his cell in the Bergen County jail: "The issue is whether an American journalist who did nothing more than perform his job, in what he perceived to be the public interest, can be forcibly converted by the courts into an investigative arm of the defense or prosecution."

Should Farber continue to insist that the First Amendment, in this context, overrides the Sixth Amendment *without exception,* he is likely to wind up before the Supreme Court. In 1972, the Court, by a 5–4 vote, ruled that reporters have no "First Amendment privilege to refuse to answer the relevant and material questions asked during a good faith grand jury investigation" [*INQUIRY,* Jan. 23, 1978]. Among the questions reporters had to answer, in certain circumstances, were those concerning the identity of their confidential sources.

The states, however, were left free to adopt press shield laws of their own, protecting, in varying degrees, the right of a reporter to refuse to reveal confidential sources and other material in his notes. It is the strongest of these shield laws which might now fall if Farber takes his intransigent stand to the Supreme Court. For then, the justices will have to confront directly the claim that, in a case such as this, a defendant has no right at all to seek from a journalist that material which might prove his innocence.

If Farber takes his intransigent stand to the Supreme Court, the New Jersey shield law might fall.

William O. Douglas might have gone along with that line of reasoning, and Marshall and William Brennan still may. But not the others on the Court as it is presently constituted. Should the Court reject this position and declare the strong New Jersey statute unconstitutional, M. A. Farber will have indeed greatly weakened the press by so stretching the shield-law argument as to destroy it.

We will all be back then to the unadorned First Amendment for protection. Some have long said that's all freedom of speech and press require. Maybe so, but I would like to have seen the shield laws become tempered by time—instead of being tangled so soon in the confusion of M. A. Farber's martyrdom. ❑

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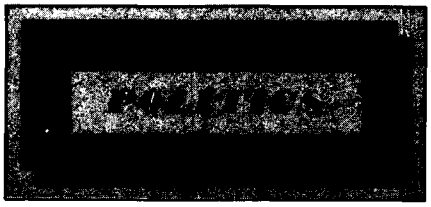

ALAN CRAWFORD

Who's new on the right

IT TAKES NO SMALL amount of hubris for a Republican right-winger to charge into the New Hampshire presidential primary knowing William Loeb is poised there to trip him, but that—apparently—is the death-defying act Illinois Congressman Philip M. Crane is about to attempt.

Crane, of course, is the nine-year veteran of the House who on August 2 became the first announced candidate for the GOP nomination, while Loeb is an enormous force in Granite State politics by virtue of publishing the *Manchester Union-Leader*. This stridently right-wing newspaper is New Hampshire's only statewide daily, and, as such, it carries a good deal of clout. And Loeb, in an editorial fired off as soon as he'd gotten word that a Crane candidacy was in the works, warned that any such move would be "disastrous" for the party. Crane announced anyway, and the New Hampshire fire-eater exploded with a front-page editorial headlined "A Stab in the Back." Calling the Crane announcement "an exercise in egotism and vanity," Loeb charged that Crane had done an "about-face" since telling the powerful publisher that Ronald Reagan is the one man in America who can handle the nation's problems. "To divide the strength of the conservative element at this time," Loeb summed up, "is nothing except insanity."

Insanity or not, the Crane candidacy is off and running. And, given the inability of Crane's aides to convince even Bill Loeb that the decision makes any sense, you can imagine the bafflement in other quarters.

After all, Reagan plans to seek the GOP nomination, too, and Crane says he cannot think of one significant question in the conservative metaphysics on which they disagree. Crane, who is 47, denies that his relative youth is a factor in his behalf (although he has spoken somewhat cryptically of the value he places on the "physical strength" of a presidential nominee), and his aides say they won't allow what columnist John D. Lofton calls "an acrimonious Crane-Reagan bloodbath" to take place. Insiders take Crane at his word, too, when he denies that he is a Reagan stalking-horse.

The whole thing makes no sense at all, unless viewed as one result of a long-simmering feud between Reagan, an orthodox Republican, and the militant neopopulists of the New Right. These political operators, led by direct mail fund-raiser Richard Viguerie, think the Reagan camp has been infiltrated by "closet liberals." Their power will be gauged, to a large extent, by the success of the Crane candidacy over the grueling months ahead.

The feud goes back a long way, at least as far as 1975, when Reagan urged his followers to stick with the GOP, while the New Right crowd wanted to start a party of their own. They soon began casting about for alternatives to Reagan, resulting in an ill-conceived attempt to take over the American Independent Party, whose members are still wet with mud from the Fever Swamps.

OLD WOUNDS WERE opened more recently when Citizens for the Republic (CFTR), a political action committee formed with the cash left over from Reagan's previous bid for the presidency, took a solumn oath to steer clear of the Viguerie-sponsored insurgents altogether. That's when the committee's directorate—including Reagan, Senator Paul Laxalt of Nevada, press secretary Lyn Nofziger, and campaign strategist John Sears—resolved to deny financial support to any candidates who were challenging Republican incumbents in the 1978 primaries.

This decision would not be too surprising in the world of party politics, except that the New Right militants don't operate in that world. Beyond that, it meant that Jeff Bell, then opposing Senator Clifford Case in the New Jersey primary, would be bypassed, too. And Bell had been a loyal Reagan staffer throughout the hard-fought 1976 campaign. He won without Reagan's help, but at the time, needless to say, he was counting on some of the $250,000 the Reagan committee planned to spread around.

The decision was almost certain to steam hard-core conservatives, and it did. *Human Events*, the conservative weekly, implored the Reagan camp to "cast aside its timidity" and come out, full force, for Bell. Party unity? Reagan himself had taken on a sitting President and waged one of the toughest intraparty cockfights in a decade.

Yet Reagan has in recent months undertaken a policy of nonbelligerency toward party moderates that goes far beyond the Bell challenge. In a move that has not endeared him to the GOP's hard-liners, he recently urged Republicans to "stop giving each other political saliva tests . . . to find out the degree of our Republican purity." Six weeks after these ecumenical utterances, CFTR insiders convened in Los Angeles to discuss bankrolling Bell, and, Evans and Novak report, that's when the conversion to the gospel of party unity became official. Nofziger and Sears urged that the committee throw its support behind the former Reagan speechwriter, but Laxalt demurred. He argued that the committee was formed on the premise that it would not go "headhunting" against other Republicans, and Laxalt prevailed.

The New Right activists also fear that Reagan is softening his positions on a number of key issues in keeping with Sears's belief that his candidate's most serious liability is the public's perception of him as a right-wing

The New Right has come to the conclusion that Reagan is a closet liberal.

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ideologue. Sears has predicted that "events may erase that impression," and he's been at work trying to make the prediction come true. To that end, he has announced that Reagan is seriously considering dropping his long-held opposition to full diplomatic ties to Peking—which Reagan now denies—leading the *New York Times* to report that Reagan is ready to embrace a "correspondingly more flexible attitude toward international Communism"! Reagan is, unquestionably, playing down his reputation as a crypto–Social Darwinist in domestic policy. "I know I'm supposed to be a terrible right-wing person," he recently told a group of Chicago businessmen. "But I just wish people who think that would look at my record in California." There, he boasts, he initiated "conjugal visits" in state prisons, made the state income tax "more progressive," and increased welfare benefits to the "truly needy" by 43 percent.

Such breathtaking reversals—or so they're seen—have dismayed the right-wingers who suspect, with some justification, that Reagan's days as an intraparty scrapper who wants the GOP fashioned into an ideological war machine are finished. Kevin Phillips, the pollster and former Nixon adviser, is typical. In addition to marking the "transformation [of CFTR] into a vehicle of party, not principle," Phillips says that the recent behavior of the Reagan camp may well signify the Californian's effective retirement from relevant political struggles: "Gone is the would-be charismatic insurgent of several years ago, the crusader who called for a politics of bold ideological colors, not pale pastels. Now we have in his place a 67-year-old party regular preaching unity while aides hint that he'd serve only one term (from 1981–1985), leaving the Republican ideological-factional future up for grabs.

"Advisers who encourage Reagan to shed his ideology," Phillips warns, "may be misreading the intensity of his strength on the right, though. Among the rightwing activists, a considerable number see Reagan as an aging figure from another era, an easy-going man who could easily be ineffective—or worse—as president." Writes Phillips in his nationally syndicated column: "To the extent that he retains his ideological vim and credibility, Reagan defuses these private critics. But to the extent he becomes just another faithful Republican, he gives doubters the reinforcement they require."

Reagan is, without a doubt, playing down his reputation as a right-winger on domestic policy.

THERE IS CERTAINLY NO shortage of the doubting Thomases, especially among Phillips's pals on the New Right. And they are the outfit responsible, in large part, for the insurgent candidacies the Reagan committee resolved to bypass. It is probably no coincidence that Reagan has been preaching party unity at the same moment that fund-raiser Richard Viguerie and his constellation of political action committees have been intensifying their well-heeled campaign to knock off such GOP liberals as Case, Edward Brooke of Massachusetts, and John Anderson of Illinois. Thus may Reagan's new-found Republicanism be viewed as a deliberate if subtle repudiation of the New Right mischief-makers, an interpretation strengthened by a testy letter Nofziger fired off to the *Washington Post.* The *Post,* to Nofziger's considerable dismay, had linked him in late January with the leaders of such New Right groups as the Conservative Caucus and the Committee for the Survival of a Free Congress.

"I am not a part of the New Right or any other rightwing network," Nofziger wrote. "I am a Republican and the only things I am part of, politically speaking, are Citizens for the Republic and the Republican party. CFTR has no formal dealings with any of the groups you mention and we certainly don't always agree with them. Citizens for the Republic, which Governor Reagan heads and which I run on a day-to-day basis, supports only Republicans and works within the Republican party. This is not true of any other PAC [political action committee], business or political, that I know of. We are interested primarily in building the Republican party and strengthening the two-party system. That is hardly true of all those you identify as part of the New Right network."

Nofziger's letter, like CFTR's decision to deny funds to candidates who challenge GOP incumbents and Sears's statements regarding diplomatic ties with Peking, has not been lost on the New Right leaders who believe that Reagan has lost his taste for the battle. Consequently, there was soon talk that some right-wing leader—perhaps Senator Jesse Helms of North Carolina—should come forth to enter the 1980 primaries. "This way they feel that they can keep the Reagan campaign honest," as one prominent conservative leader put it.

Crane, it turns out, is the candidate the New Right leaders have selected. And Crane wants to run regardless of what Reagan decides to do. His decision is widely rumored to have been influenced by the fact that he is still smarting over Reagan's selection of Senator Richard Schweiker as his 1976 running mate. He will retain Richard Viguerie as his fund-raiser.

Attractive, youthful, and well-educated, the former history professor is now chairman of the American Conservative Union. This 300,000-member organization was for several years the stronghold of conservative traditionalists but has come increasingly under the influence of the New Right leaders, with whom Crane is on very good terms indeed.

There's no small irony in these developments. Reagan's apparent turnabout—which reflects his Republican orthodoxy as well as his desire to put aside his reputation as a right-wing ideologue—suggests once again that he is a more moderate politician than even his most ardent admirers want to believe. His new-found belief that Republican incumbents should not be challenged may well consolidate his position with the party leaders and, therefore, increase his chance to win the Republican nomination two years from now. That, of course, assumes that Crane—as the candidate of the New Right mischief-makers—will not splinter the conservative community, a possibility that can't be discounted.

It is a gamble, and Reagan may already have lost it by alienating the same die-hard right-wingers who believe—correctly—that they made him a credible candidate in the first place. Already, it is clear, they are feeling betrayed; and as Joseph Kraft observed on the day after Crane threw his hat into the ring, this might have been "the best news Jimmy Carter had had in months." ❑

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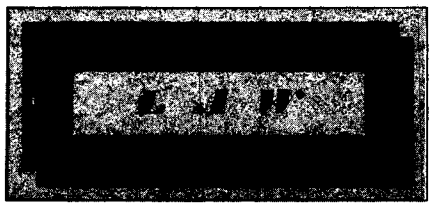

DOROTHY J. SAMUELS & JAMES A. GOODMAN

How Justice shielded the CIA

*IN JUNE 1975, THE ROCKE-*feller Commission revealed the existence of a secret 1954 agreement between the CIA and the Justice Department that permitted the intelligence agency to shield its personnel from criminal prosecution. For 21 years, the CIA could refuse to refer cases of agency misconduct to the Justice Department if it believed that a trial would risk disclosure of "national security" information. The "1954 agreement" is no longer formally in effect. Yet the CIA's and FBI's claims that "national security" secrets will be exposed at trial continue to hinder Justice Department prosecution of crimes by the intelligence agencies. To this day, the department functions more as a protector than as a prosecutor of these agencies.

Just this past year, Attorney General Griffin Bell engineered a plea bargain for former CIA Director Richard Helms, who had been charged with falsely testifying about U.S. involvement in Chile. This slap on the wrist allowed the CIA to avoid a public airing of the case. Bell also refused to seek indictments against all of the FBI agents responsible for past FBI illegality in the New York area because he feared that too many indictments would hamper the effectiveness of the bureau. And now the Justice Department intends to drop three of the six charges against Edward Gerrity, the ITT vice president accused of lying about his firm's activities in Chile; again, the department wants to prevent disclosure of sensitive—and possibly embarrassing—information about American interference in Chile.

For the past year, a Senate Intelligence subcommittee, chaired by Senator Joseph Biden (D.-Del.), has been looking into these problems of law enforcement and "national security," and it is expected to release its findings shortly. But the Biden subcommittee is not the first to examine these matters. In a study written two years ago, but never before released to the public, the House Government Operations Subcommittee on Government Information and Individual Rights, then chaired by Bella Abzug (D.-N.Y.), explored the cozy relationship between the Justice Department and the CIA that has existed throughout the postwar period. Piecing together the confused history of the "1954 agreement," and drawing from little-publicized 1975 hearings on the agreement and from other material made available to the subcommittee, the study shows that the CIA was virtually immune from prosecution during the 21 years of the agreement and that the Justice Department has consistently catered to CIA secrecy concerns. This 28-page

document is a startling reminder that the department has never been able to police the CIA.

According to the study, a February 23, 1954 memorandum from CIA General Counsel Lawrence Houston to CIA Director Allen Dulles is the basis of the "1954 agreement." The memo summarized a discussion that Houston had had with Deputy Attorney General William Rogers about the CIA's concern that its secrets might be disclosed by Justice Department prosecution of agency personnel. In the memo, Houston wrote that he had told Rogers about a case involving misuse of funds by a CIA employee. The CIA did not want the case prosecuted because agency officials could not devise a way to have the employee tried without revealing classified information. Houston, who served as CIA general counsel for 26 years, believed that even Justice Department review of the file for this case would breach security.

According to Houston, Rogers replied that "under these circumstances" there was no reason to refer the case to the Justice Department and that, given the peculiar circumstances of the case, the CIA was "perhaps better equipped to pass on the possibilities for prosecution." The memo indicated that these procedures would apply to other cases. Rogers said that "an understanding on these matters" could be formalized with an exchange of letters, if it became necessary, but that "present practices" could continue without further documentation.

HOUSTON SENT ROGERS A copy of this memorandum. In his cover letter, dated March 1, 1954, Houston requested that Rogers return the memo to the CIA if he had "no objection" to it, so that the CIA could retain the memo in its files for "future guidance." (The Government Operations subcommittee obtained its copy of the Houston memo and cover letter from the CIA, while the Justice Department—probably because Rogers had returned his copy to the CIA—could not locate these documents in its files.)

The CIA told the Government Operations subcommittee that 31 cases of CIA misconduct were handled under the terms of the Houston memo. Most of these cases appear to have been financial crimes, such as embezzlement and misuse of government funds, although one case, not prosecuted, involved a murder. None of the 31 cases, says the CIA, concerned conduct authorized by the agency. As implemented by the CIA, the "1954 agreement" allowed the CIA to screen cases of agency wrongdoing and to decide whether or not to refer any particular case to the Justice Department for possible prosecution. CIA records show that at least nine cases were not referred to Justice because of "national security" reasons.

Perhaps as telling as the CIA's use of this arrangement is the fact that the Justice Department seldom prosecuted cases that *were* referred to it by the CIA. The subcommittee study reports that only two were brought to trial, resulting in a single conviction. (The CIA initially told the Government Operations subcommittee that 20 cases were

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referred to the Justice Department, while two others were referred to another government agency. But, on second count, the CIA said that 14 —not 20—cases were referred to Justice.)

The study cites the Justice Department's 1974 decision to drop the indictment of CIA operative Puttaporn Khramkhruan as a prime example of the department's deference to the CIA. In 1973, Khramkhruan was indicted, with six Americans, for importing 25 kilos of raw opium. The U.S. attorney's office in Chicago was forced to drop the charges against Khramkhruan and one of the six Americans because Justice Department officials refused to press the CIA for release of documents needed for prosecution. The Justice Department's actions in this case, states the study, "may have assisted in a cover-up of CIA participation in Southeast Asian drug traffic."

What about the CIA's failure to refer the many instances of agency misconduct that resulted from policies authorized by the CIA? There is disagreement whether the CIA used the "1954 agreement" as justification for not referring these matters to the Justice Department for prosecution. Yet, as the subcommittee notes, CIA domestic spying activities were not referred to Justice for prosecution during the years of this agreement. And although some of the CIA's illegal domestic programs, such as mail and cable intercepts, date from before the "1954 agreement," it seems likely that this understanding gave added legitimacy to the CIA's claims that "national security" exempted its operations from the requirements of law.

FOR EXAMPLE, THE CIA used the "1954 agreement" as a basis for its position that the agency was not bound by the statute requiring all agency heads in the executive branch, including the CIA director, to report immediately to the attorney general any possibly illegal acts by their employees. Shortly before this statute (28 U.S.C. 535) was enacted in August 1954, acting CIA Director C. P. Cabell wrote to the Bureau of the Budget that the problems that this legislation would create for the CIA had already been discussed with the attorney general's office, and that it was the CIA's "understanding that the Department of Justice is in agreement that where the violation or complaint involves matters relating to foreign intelligence activities, the investigation thereof will be conducted by or at the direction of the Director of Central Intelligence, with such subsequent referral to or liaison with the Department of Justice as the results of his investigation may indicate."

One of the most bizarre aspects of the "1954 agreement" is that, after 1954, no attorney general was told about the agreement. (Rogers, who himself served as attorney general from 1957 to 1961, is reported to have no recollection of the "1954 agreement.") "Once having secured agreement with Rogers," the subcommittee study notes, "Houston believed departmental approval had been secured and the CIA could follow that procedure ad infinitum, even though subsequent Attorneys General might be unaware of it."

Not until CIA Director William Colby approached acting Attorney General Laurence Silberman in December 1974 to discuss the case of former CIA Director Richard Helms was the department apprised of the CIA's longstanding reliance on the "1954 agreement." According to Colby, Silberman dismissed any suggestion that the arrangement still applied, saying that "there's no way in the world the CIA is going to be given the extralegal privilege of deciding which of its employees should be prosecuted and who shouldn't."

The subcommittee study notes, however, that Silberman, once told by Colby about this agreement, did not take steps to terminate it. Silberman failed to tell the Criminal Division—the division of the Justice Department responsible for prosecuting CIA misconduct—about the agreement. Nor did he order the department to check on whether the statute of limitations had run on the CIA's "unreferred" cases. Only after the Rockefeller Commission's report did the Justice Department take steps to terminate the "1954 agreement."

In examining the legality of this agreement, the subcommittee study concludes that while the initial delegation of power to the CIA in March 1954 was apparently not prohibited by law, the CIA's use of the "1954 agreement" after Congress enacted 28 U.S.C. 535, without reauthorization of the agreement by the Justice Department, "may have amounted to conspiracy to deprive the government of proper functioning of a government agency in violation of 18 U.S.C. 371." It may also have violated the requirement of the August 1954 law that the CIA report crimes immediately to the Justice Department. In sum, the subcommittee found that, historically, "the Justice Department has given the CIA, as a matter of practice and under a 1954 agreement, the exclusive power to decide what information is too sensitive to be revealed in a trial of their own personnel."

The subcommittee study was completed before the Carter administration took office. It is ironic, though, that Attorney General Griffin Bell's handling of the Helms case—the case that is said to have broken the "1954 agreement"—demonstrates again that the Justice Department prosecution of CIA wrongdoing will still give way to assertions of "national security." Indeed, the spirit of the "1954 agreement" lives on. ❏

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JEFFREY STEIN

A sweetheart deal for E-Systems

THIS IS A STORY ABOUT big guys and little guys. The big guy in the story is the Dallas-based multinational electronics company, E-Systems. In the five years since it was taken over by a group of former high-level defense and intelligence officials, E-Systems has become a favored contractor for a series of highly sophisticated electronic warfare projects, and it has skyrocketed into the *Fortune* 500 with annual sales of over $320 million.

The little guy is the Bristol Electronics Company of New Bedford, Massachusetts, owned by Stanley B. Revzin, the son of Polish-Russian immigrants. Put together on a shoestring in 1960, Bristol gradually built up a trade in marine radios and other electronic gadgetry until, by 1973, the company employed 180 workers and grossed $4 million a year in sales.

But since 1973, when he began to compete with E-Systems for defense contracts, Revzin's business has taken a nose dive: the company is down to 50 employees and will be lucky to gross $1 million in sales this year.

Stanley Revzin now has a chance to tell the public and Congress how that happened. At a hearing sponsored by Senators William Proxmire (D.-Wis.) and Edward Brooke (R.-Mass.), the Senate Banking Committee will look into whether the Pentagon follows the rules in handing out defense contracts.

Revzin believes, and the committee strongly suspects, that the rules have been broken. Pulling together information previously gathered by other government investigators, they have found that:

- the U.S. Army has consistently favored E-systems over smaller companies, such as Bristol, that offered lower bids on contracts;
- the army has changed contract specifications at the last minute to steer to E-Systems contracts that should have gone elsewhere;
- the army awarded E-Systems a contract to build an item at a low unit price, and then later allowed it to exercise an option to build many more of the same items at much higher prices;
- the company has possibly had the benefit of inside information from army officials who later became its employees.

*THE PROCESS THAT EVEN-*tually led to Stanley Revzin's sad fortunes began 12 years ago, when the U.S. Army began propping up a failing Indiana electronics company, known as MEMCOR, with millions of dollars of cash grants, unsecured loans, and contracts to build electronic gear. Government welfare to the corporation thus indirectly encouraged an outside takeover. The LTV-Electrosystems Company stepped in and grabbed MEMCOR. But LTV itself had troubles, and even with the continued flow of government largesse, couldn't make a go of it. In 1973, the company, now named E-Systems, was bought by a group of investors headed by a former assistant comptroller of the Defense Department, John W. Dixon. Lloyd K. Lauderdale, once head of the Central Intelligence Agency's science and technology directorate, was installed as vice president, while a former CIA director, William F. Rayborn, was recruited for the board.

MEMCOR and Bristol had competed for contracts before, with Bristol generally winning out, but the new group of E-Systems owners would soon prove to be overpowering. In 1973, the army had solicited bids from several companies for a contract to build field radios for the South Korean armed forces under the foreign military sales program. For the first two rounds of sealed bidding, Bristol came in with the lowest price, E-Systems the highest. During the third and fourth round of biddings, however, the army made three changes in the contract, during which time E-Systems mysteriously lowered its bid 51 percent, to just $5.00 below Bristol's. The Dallas company got the contract.

But in the final $2.9 million contract, the army included an option allowing it to order at a later date as many as 5500 more field radio sets; under this option, E-Systems was permitted to boost its prices for the unit considerably.

Bristol's Revzin complained to the army that his bid—including the option—was much lower than E-Systems's. But even with Revzin, his local congressman, Gerry Studds (D.-Mass.), one of his senators, Brooke, and the General Accounting Office looking on, the army went ahead and made contract "modifications" (not "options") that allowed E-Systems to build, at higher prices, twice as many radios as in the original contract, nearly quadrupling the total value of the deal to a whopping $11 million.

Representative Studds asked the Justice Department to investigate this award. Within weeks, the Justice Department replied that it had found "no grounds" to institute a criminal investigation.

IN THE SUMMER OF 1976, Representative Jack Brooks (D.-Tex.), chairman of the House Government Operations Committee, held hearings on the matter and uncovered a number of clues to explain why the army gave E-Systems such kindly treatment. "The circumstances seem to point to a predetermination on the part of the army that E-Systems would receive the contract," Brooks remarked to Assistant Secretary of the Army Harold Brownman.

But Brownman had another explanation. "I believe that this is just a good case of sloppy workmanship and nothing else," he replied. "I certainly hope so."

What went unstated was that Brownman, who had come to the Pentagon after the disputed contract had been awarded, had been a vice president at E-Systems. But the man he had replaced in the Pentagon job, the man who had been in charge of awarding the E-Systems contract, had gone on later to become a corporate vice president at E-Systems, replacing Brownman. "Just a beautiful example of how not to do business," sputtered an obviously frustrated Brooks.

What Brooks *didn't* know at the time was that E-Systems had locked up the contract at the South Korean end as

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well. In 1977, the Securities and Exchange Commission learned that E-Systems, some army officials, U.S. congressmen, and South Korean agents were apparently involved in 1973 in a complicated money-washing and bribery operation whose goal was to maintain E-Systems as South Korea's prime supplier of sophisticated electronic gear. Reviewing the E-Systems–Pentagon–South Korean deal in which Bristol had been shoved aside at the last minute, the SEC discovered payments of over $1 million in "commissions" to two Korean "consultants" in Los Angeles, one of whom was the nephew of a military attaché at the South Korean embassy in Washington. In papers it filed in court last summer, the SEC said it was seeking to determine whether any of the money was transferred to members of Congress or U.S. military officials "in the form of bribes."

Partial results of the SEC probe were issued in the form of a "complaint" last March. It found that two officials of E-Systems's MEMCOR branch in Indiana, which had manufactured the equipment, had passed the "commissions" to the Koreans. E-Systems had also used the influence of another friend in the military to help secure the contract with the Koreans: Lieutenant General Robert N. Smith, who until October 1973, was the chief of staff of United Nations forces in Korea. On July 13, 1973, the Koreans had designated E-Systems its "sole-source" supplier of the radio equipment; that December, Smith joined E-Systems as a vice president in charge of Far East operations.

THESE REVELATIONS HAVE barely ruffled the waters at E-Systems. Company president John Dixon says that "the outcome of the SEC proceeding will in itself have no material, adverse effect on E-Systems or its business prospects." Nor does this seem an empty boast, for since its rebirth in 1973, E-Systems has enjoyed a special relationship with the national security bureaucracy. In 1975, Secretary of State Henry Kissinger entrusted it with the contract for the supersensitive Sinai monitoring system. The company also got the contract for the controversial AWACS airborne radar system for the Iranian air force, and it was allowed to take over, at a price far below its value, the CIA–owned airline in Taiwan, Air Asia. Even as government officials were investigating allegations that the company had funneled money through Korean agents to U.S. defense officials and congressmen, E-Systems won a contract to maintain Air Force One. In all, the company received government contracts totaling almost $25 million in a five-month period following Brooks's 1976 hearings. Sales zoomed to a record $347.4 million in 1977.

The investigations of E-Systems apparently had little effect, either, on the company's cozy relationship with the army. This summer, Representative Brooks found that, in another incident adversely affecting Bristol Electronics, the army had awarded E-Systems a $1.4 million contract for radioteletype units in September 1977. The company had dropped its bid 48 percent in the last round to slip in again just under Revzin's firm. Investigators from the Brooks committee also learned that Colonel Donald Rehman, an army officer who had made sole-source specifications in E-Systems's favor, had retired on August 31, 1977, and gone to work, seven days later, as a manager of international marketing and logistics at E-Systems's MEMCOR subsidiary in Indiana.

The investigators also found evidence that the army and E-Systems were again engaged in a form of "buy-in," a scheme similar to that used successfully in 1973. On May 10, 1978, E-Systems and the army signed a no-bid, sole-source contract for 355 radar sets at $5584 each. Two days later, when the army opened bids from many companies (all much smaller than E-Systems) for a separate procurement for almost 1500 identical sets, E-Systems came in with a winning bid of $1605, almost $4000 less than the amount it was awarded in the previous contract.

How did E-Systems know such a figure would be a winning bid, and why had it been designated the "sole-source" in the earlier contract award, Representative Brooks wondered at a hearing in July. "The Army says itself you can't build this item for less than $3500 a unit," Brooks said. "Why, the materials alone cost $1600. You know they must be planning to get well by selling them to some of our allies at jacked up prices."

This was indeed the case. E-Systems had already begun negotiating with its old friends in the South Korean military to sell for $13,000 the radar sets it had peddled to the Pentagon for $5500, then $1600. And who would pay for that in the end? Noting that this year the United States was giving South Korea $400 million of military aid, Brooks logically concluded: "Thus, to the extent that Korea is overcharged, they are, in effect, overpaying with our own money."

A memo from Major General John K. Stoner to a subordinate, which committee investigators turned up, summed up the army's attitude. Referring to the high prices the South Koreans would be paying for the radar detectors, Stoner had snorted: ". . . let them pay through the nose for it. They are just friends."

SENATORS BROOKE AND Proxmire hope that the current hearings will provide some life for a bill they have introduced that would prevent defense officials who hand out contracts to private industry from working for companies to which they may award contracts for a period of two years. Mild as that may sound, aides to the senators say that the Carter administration has shunned that legislation, and a similar bill is languishing in the House. In the meantime, of course, E-Systems is flexing its political muscles on Capitol Hill; Senators Birch Bayh and Richard Lugar, both of Indiana, have sent out a letter to Army Secretary Clifford Alexander asking him not to get too excited about all the fuss. And the SEC and Justice Department have given company officials a grace period. As part of the arrangements worked out last March, E-Systems was required to hire outside counsel to conduct an audit of its contracts with the army, South Korea, and other foreign governments. The report is due in November, and just may provide some interesting new casework for the Senate and House committees and the Justice Department. After all, E-Systems, through the Pentagon and on its own, is active virtually around the world, with favored clients in such nations as El Salvador, Indonesia, Iran, the Philippines, and Brazil.

But whether Congress or the Justice Department can put an end to E-Systems's cozy relationship with the Pentagon is another question. E-Systems is one of the big guys, with friends at the top. As Representative Brooks put it in 1976, ". . . they just play games with you like you're in the third grade and they run right around you and go do as they please." ❑

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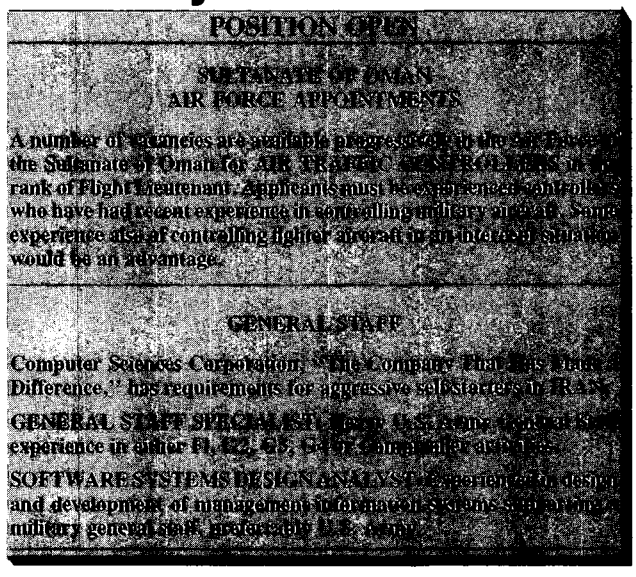
Our arms-sales policies have created "commitments" that could embroil us in another foreign war.

America's White-Collar Mercenaries

By Michael Klare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*THESE ADVERTISE-*ments, placed in well-known periodicals, are geared toward a new kind of mercenary: a soldier of fortune who sells his technical abilities rather than combat skills, who wears a suit and tie rather than combat fatigues, and who carries an attaché case rather than a submachine gun—in other words, a *white-collar mercenary.* Unlike the mercenaries of old, who usually worked for disreputable governments or renegade warlords, this new breed of warriors usually works for established governments or, more often, for giant multinational corporations engaged in the arms trade. Instead of spearheading coups or revolts, the new mercenaries spend their workdays repairing missiles, programming computers, or operating communications consoles. And while these new mercenaries may lack the élan of their more traditional brethren, they can pride themselves on taking control over the war machines of some of the world's most important new powers.

From all available indications, the number of white-collar mercenaries deployed abroad is rising rapidly. According to State Department figures, in early 1978 there were some 11,300 U.S. "civilian contract personnel" working overseas in connection with military sales programs, or about three times the number so employed three years earlier (excluding Vietnam War programs). Most experts agree, moreover, that the number of Americans working on such programs will increase enormously over the next decade, as ambitious Third World countries seek to expand and modernize their military arsenals.

The proliferation of white-collar mercenaries is a direct consequence of the boom in military sales to newly rich, developing countries. Although many of these nations —particularly the oil kingdoms of the Persian Gulf—possess the will and cash to become modern military powers, they lack the trained personnel needed to maintain and operate all the new high-technology arms they have acquired from the advanced nations. Many Third World nations now require that any major arms contract provide for the delivery of such "back-up" services as training, logistics, and maintenance along with the weaponry itself. And since the need for such "technical military services" tends to increase with the degree of sophistication of the weapons involved, the growing trade in high-technology arms has naturally led to a boom-

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ing demand for white-collar mercenaries.

As the world's leading supplier of modern arms, the United States is not surprisingly the principal source of technical military services. According to government figures, a total of 14,362 U.S. nationals were engaged in tasks arising from the "implementation of sales and commercial exports under the Arms Export Control Act" on January 1, 1978. Of this number, 11,323 were civilians and another 3039 were U.S. military personnel assigned to military missions and technical assistance field teams. Most experts, however, consider these figures to be extremely conservative, since they exclude many technicians working in such military-related activities as highway and harbor construction, telecommunications development, and air-traffic control. Indeed, the Senate Foreign Relations Committee estimated in 1976 that there were at least 24,000 Americans in Iran alone, working on military-related projects, and that the total would reach 50,000 to 60,000 by 1980.

The sale of technical military services can be extremely lucrative. According to the Defense Security Assistance Agency, between February 1975 and July 1977 U.S. sales of technical military services under the Foreign Military Sales (FMS) program amounted to an impressive $2.45 billion. Since this figure excludes sales under the Commercial Sales program (i.e., direct sales by U.S. corporations, as distinct from sales by the U.S. government of equipment from its own stockpiles), which account for about 25 percent of the overseas job slots, the total value of such sales must exceed $3 billion. And since most Third World governments are acquiring arms faster than they are improving the quality of domestic technical education, the demand for such services is sure to rise in the years ahead.

ALTHOUGH THE SALE OF MILITARY SKILLS helps reduce America's mounting balance-of-payments deficit and provides employment for some U.S. technicians, it raises some important foreign policy questions and could, in the not-too-distant future, pose some very serious risks. Although by definition most white-collar mercenaries work for private corporations rather than U.S. government agencies, their deployment in connection with government-sponsored arms transfers is certain to be viewed by all interested parties as a quasi-official act. This is particularly obvious in Saudi Arabia and Iran, where most technical service contracts are supervised by the Department of Defense acting as agent for the host government. And as such deployments increase in scale—remember here the estimate that there will be 50,000 to 60,000 Americans in Iran by 1980—they inevitably take on the character of a formal military commitment. Not only does such a "commitment" involve ongoing obligations to the governments of Saudi Arabia and Iran that may prove detrimental to U.S. foreign policy, but they also raise the very real risk of American involvement in future Persian Gulf hostilities. Given the fact that U.S. white-collar mercenaries tend to operate the critical communications, intelligence, and logistics systems at the nerve centers of the shah's war machine, they would almost automatically come under attack in any conflict involving Saudi or Iranian forces.

Despite the obvious risks involved in such "commitments," neither Congress nor the President has imposed any meaningful restraints on the sale of U.S. military skills abroad. The Arms Export Control Act of 1976, the only significant legislation in this area, merely requires the State Department to supply quarterly reports on the number of Americans involved in these activities. The sale of technical services may come up for discussion when Congress debates an arms package of $25 million or more, but there is no provision for oversight of such activities per se. And while President Carter has imposed new restraints on U.S. arms exports abroad, he specifically exempted technical sales from the new controls.

TO UNDERSTAND WHY THERE IS SUCH A great demand for U.S. white-collar mercenaries in the Third World, one must first appreciate some of the dramatic changes that have overtaken and transformed the international arms trade. Until fairly recently, most arms transfers involved deliveries of basic combat gear from the advanced powers to their closest friends and allies. Such transactions were usually seen as a natural concommitant to mutual defense arrangements—such as NATO or the Warsaw Pact—and were rarely motivated by economic considerations. Thus the United States provided surplus military equipment to the "forward defense countries" on the borders of the Soviet Union and China, and also provided counterinsurgency gear to those Third World nations facing internal political turbulence. Since most of this hardware was provided cheaply or at no charge, the recipients were for the most part content with the older-generation hardware they received under the Military Assistance Program (MAP) and other grant programs.

Recently, however, there have been some drastic shifts in the patterns of arms trade. Many Third World nations—particularly those with a sudden abundance of petrodollars—seek to replace their obsolete hand-me-downs with new weaponry of the most advanced design available. And since the industrial powers are now desperate to recover some of the funds siphoned off to pay for imported oil, the wealthier buyers have been able to satisfy their appetite for sophisticated arms. Thus Iran—which acquired its first supersonic aircraft as recently as 1965—now flies some of America's most advanced combat aircraft, including the F-4 Phantom fighter-bomber, the F-5E Tiger-II jet fighter, and the swing-wing F-14 Tomcat.

Since many of these countries have a long history of conflict and rivalry with their neighbors, each major arms purchase by any one of them tends to trigger comparable purchases by all of its rivals—thereby touching off a regional arms race. Thus Saudi Arabia, which until recently possessed a negligible air force built around a squadron of aging Lightning interceptors, now seeks to acquire America's most capable fighter, the F-15 Eagle, in order to "balance" major aircraft purchases by Israel, Iraq, and Iran. Similar dynamics have governed the sale of missiles, tanks, and warships to the Middle East, and helped fuel local arms races in Africa, Asia, and Latin America.

This arms dynamic has resulted in a truly extraordinary shift in war-making capabilities from the industrialized nations to the Third World. According to the U.S. Arms Control and Disarmament Agency (ACDA), the developing countries acquired 10,325 tanks, 10,435 armored personnel carriers, 2253 supersonic aircraft, 2715 other aircraft, 386 warships, and 15,145 guided missiles from the four major arms suppliers (France, Britain, the United States, and the Soviet Union) between 1971 and 1975 alone. And that is only the *first* round in the current weapons sweepstakes: since 1975, Third World countries have ordered an ad-

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The United States has imposed no restraints on the new mercenaries.

ditional $33 billion worth of arms from the United States, most of which won't be delivered until the 1980s.

Even for a highly trained and modern army, arms acquisitions on this scale would pose enormous problems. Before any of these weapons can be deployed to front-line units, new bases and support facilities must be constructed, training programs initiated, maintenance and repair personnel assembled, backup logistics networks established, and a new chain-of-command adopted. For most Third World countries, these tasks are simply insurmountable—without outside help. Thus Iran, which ordered over $10 billion worth of U.S. arms between 1970 and 1975, was forced to bring in the Pentagon's top logistics troubleshooter, Erich Von Marbod, to unsnarl what columnist Jack Anderson called "the worst military foul-up in peacetime history." Von Marbod's job, according to Pentagon officials, was to gain some sort of control over the bulging military "pipeline," which every day was dumping millions of dollars worth of arms on Iranian piers—where often they just sat for lack of sufficient logistics and quartermaster personnel.

Once these weapons are actually uncrated and delivered to their ultimate users, a whole new set of problems emerges: Most of the arms being sold to Third World countries today are infinitely more sophisticated than those supplied even five and 10 years ago, and they require a correspondingly greater amount of servicing and maintenance. Even highly automated systems—such as the self-aiming "smart bombs," which the United States introduced in the last days of the Vietnam War—must receive regular servicing which can be performed only by skilled technicians. Most airborne missile systems, for instance, are built around computerized fire-control systems which require continual inspection, testing, and servicing by computer professionals—just as office Xerox machines and IBM typewriters require periodic servicing by company technicians. And the more sophisticated a weapon, the more pampering and attention it is likely to need by such specialists. Pentagon sources have indicated, for instance, that it takes a force of 270 skilled technicians to keep one squadron of F-15 fighters—about 18 aircraft—in full working condition. Thus Saudi Arabia, which will acquire 60 F-15s under the three-nation Mideast arms package recently approved by Congress, will need some 800 technicians to keep them airworthy. And since Saudi Arabia, like most Third World countries, cannot fill all these slots with indigenous personnel while simultaneously finding Saudi workers to perform all the other critical tasks in a rapidly modernizing economy, it must recruit its F-15 technicians elsewhere.

Naturally, no country wishes to be forever dependent on foreign military personnel, and most recipients of U.S. arms have established elaborate on-site training programs designed to produce a cadre of indigenous technicians which can gradually take over tasks now being performed by foreigners. But creating a large pool of skilled workers in an otherwise backward economy is not an easy job—schools must be built, curricula developed, instructors assembled, and students recruited. All of this takes time, money, people, and commitment—resources which are not always readily available in Third World countries. Furthermore, to reduce its dependency on imported technological skills, a country must produce indigenous engineers and technicians *faster* than it acquires new weapons systems. But given the rate of arms spending in some countries—particularly in Iran and Saudi Arabia—the demand for skilled labor is always rising faster than the output of local schools, and so these countries are becoming ever more dependent on foreign military personnel. As Jack Anderson noted in his column on Iran's logistical headache, "The U.S. technicians can't teach the Iranians the necessary skills as fast as the supplies are dumped on them."

Therefore, as long as nations like Saudi Arabia and Iran expand their military arsenals faster than their domestic pool of skilled workers, they will have to recruit foreign technicians to fill critical slots in their respective war machines. Ironically, these nations are becoming *more dependent* on external support the more they try to catch up with the advanced nations in weapons capabilities. As the Senate Foreign Relations Committee noted in its 1976 report on U.S. military sales to Iran, "There is general agreement among U.S. personnel involved with the Iranian programs that it is unlikely that Iran could go to war in the next five to ten years with its current and prospective inventory [of] sophisticated weapons . . . without U.S. support on a day-to-day basis."

THE UNITED STATES, FOR ITS PART, HAS become obligated to provide such assistance since it is committed, according to the General Accounting Office (GAO) "to provide follow-on support and training in the operation and maintenance of the items sold" to these countries. In some cases, this obligation is being fulfilled by regular U.S. military personnel assigned to the military missions and "technical assistance field teams" based in the countries receiving U.S. arms. All told, some 3364 U.S. servicemen were stationed abroad in early 1978 to assist in the absorption of U.S.–supplied munitions, including 1021 in Saudi Arabia and 1122 in Iran. Thousands more are engaged in similar activities as part of Mobile Training Teams, temporary duty slots of one sort or another, and specialized field commands like the 1000-man U.S. Army Corps of Engineers detachment in Saudi Arabia.

Increasingly, however, these support functions are being performed by civilian "contract personnel" (the polite term for white-collar mercenaries) employed by U.S. firms that perform such services on a contract basis. Usually, such contracts are awarded to the company that sells a major weapons system to the host country; indeed, the provision of such support is often made a condition of the sale itself. Thus Northrop Corporation's responsibilities under the $2.8 billion "Peace Hawk" program in Saudi Arabia include the delivery of 110 F-5E and F-5F jet fighters, the construction of all necessary basing and maintenance facilities, training of Saudi pilots and mechanics, logistical man-

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agement and support, and on-site maintenance and repair work. To perform all of these functions, Northrop had a force of 1134 U.S. contract personnel at Saudi air bases in mid-1978, and the U.S. Air Force had another detachment of 70 specialists to ensure proper contractor performance of the entire program. Similarly, Grumman Aircraft has deployed to Iran 1000 engineers and weapons-systems-officer instructors to perform technical support for the shah's force of F-14 Tomcats. This detachment is expected to remain there for as long as the F-14s remain in service, possibly well into the 1990s.

Technical service projects can be highly rewarding to the contractors—particularly when a company is the "sole source" for the spare parts and specialized servicing needed to maintain a sophisticated weapon in fighting condition. (See how easy it is to keep your Xerox copier or IBM computer working if you refuse to do business with the company involved!) These contracts also tend to be self-perpetuating since, as noted earlier, many of these countries are acquiring arms faster than they're training skilled workers to take over the necessary repair and maintenance functions.

These projects can also be lucrative for the individual technicians and specialists: according to some reports, members of the Vinnell Corporation's 1000-man training force in Saudi Arabia will receive $1800 per month, plus free housing and a $2400 bonus upon completion of the project. Senior officials and technicians with specialized skills can naturally expect to receive much more. Of course, these jobs are not open to just anyone—most technical support contracts call for the use of experienced technicians or retired military personnel with considerable combat exposure. And more often than not, the top executives of these support programs are retired officers with years of command experience. To head its advisory mission in Iran, for instance, TRW Inc. hired Brigadier General Maurice A. Cristadoro, Jr., formerly a commander of the Air Force Systems Command. Assuming these countries remain at peace, senior white-collar mercenaries like Cristadoro can look forward to years of steady and relatively undemanding work at salaries two or more times higher than their top Pentagon pay.

MOST OF THE PROJECTS DESCRIBED above involve the performance of training and backup services in connection with the delivery of advanced U.S. munitions under the Foreign Military Sales program. These programs—which the Pentagon calls "contractor engineering technical services," "contractor maintenance services," and "logistic support requirements"—account for most of the estimated $3 billion worth of technical service contracts held by American firms in 1978. But an examination of trade journals and government documents indicates that some U.S. companies are also providing specialized services which go beyond the mere upkeep of U.S.-supplied arms. Such services include the performance of critical military functions—radar-tracking, air-traffic control, communications, electronic intelligence monitoring—which are essential to the functioning of a modern, high-technology army. In some cases, U.S. white-collar mercenaries are also taking over the advisory and support functions normally performed by U.S. officers attached to military missions and Military Assistance Advisory Groups (MAAG). TRW, for instance, was awarded a multimillion dollar contract in 1976 to supply high-level advisory and management functions for the Imperial Iranian Air Force. According to *Aviation Week and Space Technology,* the TRW group—composed largely of retired U.S. Air Force personnel—will in effect "function as a civilian supplement to and in close coordination with the resident MAAG, the size of which is inadequate to provide all the necessary services in support of the vast amount of U.S. military equipment purchased by the Shah."

U.S. technicians in Iran are, in a sense, hostages of the shah.

Other major projects involve American contract personnel in what appear to be operational military functions. As part of the $1.9 billion program to transform the Saudi Arabian National Guard (SANG) from a provincial police force into a modern, mechanized army, the Vinnell Corporation of Alhambra, California, received a $100 million contract to provide SANG with training and backup services for its new, U.S.-supplied weapons. A GAO study disclosed, however, that Vinnell's responsibilities have been expanded to include: "training of national guard headquarters personnel in management techniques, training of Saudi personnel in troop evaluation techniques, and provision for specialized U.S. teams to accompany deployed battalions to assist them in their continued development." This last, somewhat cryptic job description means that U.S. personnel (many of them former Special Forces instructors with extensive Vietnam experience) will accompany SANG personnel on operational assignments—which could involve defense of the royal family in case of a coup attempt, or defense of Saudi oil fields against foreign invasion.

In Iran, the shah has set out to create an Iranian Sky Cavalry Brigade equipped with the latest U.S. arms and helicopters; and to supervise this enterprise, he has hired U.S. Army Major General Delk M. Oden, former commander of the U.S. Aviation Center at Fort Rucker, Alabama. Oden, in turn, has assembled a force of 1500 Americans—mostly former servicemen—to train Iranian soldiers, pilots, and officers in air cavalry operations. "The last fifteen years of retirees from Ft. Rucker is over there with him," one officer told the Associated Press in 1975 when news of Oden's mission leaked out. These Americans are all employees of Bell Helicopter International, an offshoot of Bell Helicopter, which manufactures the helicopters assigned to the brigade.

In an unusual transaction that bypassed normal U.S. arms sales channels, the Iranian government has also hired Rockwell International to design, install, and manage an elaborate electronic intelligence-gathering system. This project, known as Ibex, will use specially equipped U.S. EC-130 aircraft to pick up electronic signals from foreign military agencies and relay them to special processing sta-

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U.S. advisers in Iran would become involved in any war there.

tions on the ground, where the signals will be recorded, decoded, and analyzed. According to *Aviation Week*, Rockwell "has recruited a special Ibex staff, among them former Central Intelligence Agency and National Security Agency personnel, who are training about 100 Iranians" in sophisticated cryptographic skills. Other U.S personnel will be assigned to the "secure, restricted-access, windowless facilities" being constructed to house Ibex paraphernalia in Iran. Although the Rockwell contract calls for Iranian personnel to take full responsibility for operation of these facilities at some point in the future, most analysts believe that it will be a long time before enough Iranians can be provided with the necessary skills.

THESE PROJECTS, WHICH PLACE AMERICAN personnel in what are obviously sensitive military positions, pose profound risks for American foreign policy. Perhaps the greatest danger is that such operations will lead to inadvertent U.S. military involvement in local conflict abroad. Since these technicians perform critical tasks at the very nerve centers of the host country's war machine, they are certain to be among the first targets in any attack on these countries. True, the probability of a conventional war involving these countries is currently very low, but there are plenty of imaginable situations that could trigger such a conflict. Iran, for instance, has vowed to intervene anywhere in the Persian Gulf if insurgent forces seize control of any of the littoral sheikdoms, and such action could conceivably precipitate retaliation by one of the radical Arab states. By the same token, Saudi Arabia's continuing support for the "front-line" Arab states could easily provoke Israeli reprisals (directed, in particular, against Saudi air force installations) in the event of a new Mideast conflict. Either of these scenarios—or others equally credible—would almost inevitably produce significant American casualties. Under such circumstances, the President would be under enormous pressure to take decisive action to protect the remaining Americans and their families (who usually accompany U.S. white-collar mercenaries on extended assignments abroad). And given the scale of the U.S. support apparatus in some of these countries, any such rescue operation would surely require a major military effort. In this way we could be sucked into a major military conflict that we otherwise could have avoided.

Even if we are not drawn into such a conflict, these programs could produce significant strains in U.S. relations with certain foreign governments. Yet, while no responsible official would dispute the fact that the deployment of 25,000 or even 5000 U.S. servicemen in a Third World country represents a major U.S. commitment to that country's government, top U.S. leaders often talk and act as if the deployment of that many white-collar mercenaries had no significant foreign policy implications. As we have seen, however, U.S. contract personnel often perform critical military functions in the host country's military apparatus, and thus these projects are viewed by the government involved as constituting a major U.S. military commitment. It follows, therefore, that any problems or upheavals arising from that commitment—whether or not the Americans involved wore U.S. military uniforms—would have a major impact on U.S. relations with that government.

The Senate Foreign Relations Committee explicitly acknowledged this in its study of U.S. arms sales to Iran: "The U.S., having sold sophisticated arms in large quantities to Iran, has assumed a growing and significant 'commitment' to Iran in terms of supporting that equipment—an unstated but nevertheless real obligation to train Iranians and to provide logistical support for the lifetime of the equipment." Thus the United States could not, according to the study, "abandon, substantially diminish, or even redirect its arms programs without precipitating a major crisis in U.S.–Iranian relations." Moreover, with so many Americans working for the shah, our failure to recall U.S. technicians from their posts in the event of an Iranian attack on any of its neighbors would be perceived by all concerned as an "implicit endorsement of their action," leading, conceivably, to reprisals against the United States; if, on the other hand, these personnel *did* walk off their jobs in such a crisis, they "could become, in a sense, hostages" of the shah. Either way, U.S. foreign policy would suffer.

There is another major problem posed by the presence of white-collar mercenaries in the Middle East: namely, the question of human rights and the potential risk of overidentification with the authoritarian governments now in control of many of these countries. Although we are repeatedly told that U.S. arms sold to Saudi Arabia and Iran are intended to help these nations defend themselves against external attack, the fact is that many of those weapons are used to suppress indigenous opposition movements. Thus the Saudi Arabian National Guard, which is receiving $150 million worth of U.S. munitions under the SANG Modernization Program, is primarily an internal security force charged with the task of protecting the royal family against any domestic challenge to their continued rule. And many of the arms sold to the shah have been used to crush student demonstrations and religious protests in Iranian cities. Continued U.S. support for the military activities of these countries, therefore, is bound to be viewed by dissident forces as an implied endorsement of the prevailing order, and thus, in the words of the Senate report, "Anti-Americanism could become a serious problem in Iran . . . if there were to be a change in the government." Indeed, opposition groups in Iran have repeatedly called for the withdrawal of American military personnel, and in 1976 three Rockwell employees working on the Ibex program were slain by one of several underground groups working to overthrow the shah. As popular opposition to the shah mounts, as it has over the past year, the U.S. support apparatus in Iran will increasingly be seen as an instrument of repression and thus prove a liability should the monarchy be replaced by a democratic government.

With so many risks and liabilities attending U.S. military support operations abroad, one would expect government

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officials to exercise great restraint and caution in approving new projects. Yet, as we have seen, these programs are expanding at a rapid pace, and U.S. officials display no inclination to curb their rate of growth. Indeed, as noted earlier, President Carter specifically exempted technical assistance projects from his new restraints on military sales. What explains such apparently risky behavior on the part of top U.S. policymakers?

Although it is hard to elicit a convincing explanation in public situations—such as congressional hearings—government officials are more forthcoming in private discourse. "The more Saudi Arabia is dependent on U.S. service personnel," one top State Department official told me, "the more control we have over their military options." Former Secretary of State William P. Rogers hinted as much when he affirmed, in 1973, that the Saudis were unlikely to turn over their U.S.–supplied aircraft to Arab forces fighting Israel, because "if the planes were transferred it would only be a short time before they have problems because the planes require spare parts and maintenance that can only be done by our experts." Obviously, such leverage becomes increasingly important as Washington pursues its seemingly contradictory policy of arming Israel and Iran to the hilt while simultaneously seeking to curry favor in the Arab world. By placing Americans in the key slots at the very center of these countries' military organizations, Washington hopes to exercise a form of "veto power" over their military activities and thus forestall any action that would jeopardize U.S. grand strategy.

Other analysts have perceived an even more ambitious design: to gain influence not only over military operations, but also over a much wider spectrum of political affairs. This hypothesis has particular credibility in Saudi Arabia, where U.S. officials have been invited to draw up long-range plans for the expansion and modernization of the country's armed forces. By proposing a modern, technology-based military apparatus, one that ranges far beyond Saudi Arabia's inherent technical capabilities, U.S. planners have ensured ever-increasing dependence on American military technical skills and thus greater vulnerability to U.S. political pressure. We find, for instance, that the U.S. blueprint for Saudi Arabia calls for the development of a modern navy and air force—projects which will require enormous American help since the country now possesses no navy and only a negligible air force. Other U.S. advisers have been entrusted by the Saudis with managing over $17 billion worth of construction projects—roads, ports, hospitals, schools, and telecommunications facilities—most of which are expected to be built by American firms. By managing these programs, the GAO noted in 1977, "the United States has influenced Saudi Arabia's military expansion and modernization plans, and [thus] increases the probability of continued U.S. assistance to implement these plans." The result "is continued United States presence and influence in Saudi Arabia," which, according to the GAO, "could be important to the attainment of U.S. security objectives."

Although the GAO did not spell out what sort of "security objectives" it had in mind, it is not difficult to calculate the perceived advantages of exercising so much influence over Saudi (or Iranian) military planning. Such influence could be used to discourage rash or unproductive (from the U.S. point of view) military adventures, or even, presumably, to prevent any moves by nationalistic officers against the prevailing, U.S.–dominated regimes. The massive deployment of U.S. white-collar mercenaries in these countries can be seen, then, as a form of military intervention. Indeed, one State Department official confided to me that as a result of growing Saudi dependence on U.S. technical skills, "we're turning Saudi Arabia into a new sort of colony."

"We're turning Saudi Arabia into a new sort of colony."

But while some strategists may gloat over the apparent success of this extraordinary "colonization" program in Saudi Arabia, it is not necessarily a cause for universal jubilation. Someday the Saudis are going to conclude that the benefits of rapid modernization do not outweigh the loss of national integrity and independence, and there will be a costly reckoning. And the harder Washington tries to preserve its dominant position by sending in even more American technicians, the greater the risk of U.S. involvement in an unwanted war.

CLEARLY, THE ONLY PRUDENT COURSE IS TO impose tight restraints on future deployments of white-collar mercenaries, and to gradually phase out all existing projects which appear, in the light of careful study, to be detrimental to U.S. foreign policy. U.S. technical service contractors should be warned—publicly and repeatedly—that American technicians caught up in future conflicts abroad cannot expect automatic rescue by Uncle Sam. Again following careful study, tough restrictions should be placed on the type of services that U.S. support personnel may perform abroad in order to prevent their direct involvement in combat operations and thus preclude reprisals by other nations in the event of a conflict involving the host country.

Ultimately, of course, the whole question of U.S. arms policy has to be reconsidered if continuing high-technology sales to Third World armies are to generate ever-increasing demands for American support personnel. President Carter, in his "arms restraint" policy statement of May 19, 1977, called for a ban on the introduction of new high-technology gear into the developing areas, but he provided so many exemptions and exceptions that this measure has had limited practical effect. And Congress, which once declared (in the Foreign Military Sales Act of 1968) that "an ultimate goal of the United States continues to be a world which is free from the scourge of war and the dangers and burdens of armaments," has done little to discourage high-technology sales to nations which are incapable of operating and maintaining them without substantial U.S. help. Surely, ill-formed and half-heartedly enforced policies like these will lead us into catastrophe unless decisive steps are taken now to restrict the flow of U.S. white-collar mercenaries to potential areas of conflict. ❑

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PATRICIA STUTSMAN

THE NEW SECRECY

WITH HIS EXECUTIVE ORDER ON CLASSIFICATION, JIMMY CARTER HAS PUT HIS OWN HARSH STAMP OF SECRECY ON WASHINGTON.

By DAVID WISE

ON JUNE 29, READERS OF the *New York Times* were assured in a page one story that President Carter was about to effect a "sweeping liberalization" of the government's system of classifying documents. The headline read: PRESIDENT TO ISSUE ORDER TO LIBERALIZE RULE ON SECRET DATA.

The story below went on to say that Carter would "shortly" issue an executive order designed to demonstrate "the President's commitment to open government." The *New York Times*, the article said, had obtained a copy of the document. The dispatch carried the byline of Martin Tolchin of the newspaper's Washington Bureau.

The story was a public relations triumph for the White House, but hardly a recognizable description of the secrecy order that Carter issued later that very day. While an improvement on the draconian version circulated in draft form by the administration last fall [*INQUIRY*, Feb. 20, 1978] the Carter order—like the Nixon order it replaces and all previous

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presidential secrecy decrees—permits the government, if it wishes, to classify a document *forever.* If read carefully, the fine print contains more than enough ambiguities, loopholes, and exceptions to allow continued government secrecy as usual.

The *Times* had a one-day beat on its laudatory preview of Carter's order, but almost no one appears to have noticed the exquisite irony involved: a presidential order designed to protect secrets and prevent leaks to the press had itself been leaked.

The executive order was dated June 28, but it was not released by the President, along with a covering statement, until June 29, by which time the *Times* was already on the streets. Asked whether the White House had leaked the document to the *Times,* Rick Neustadt, the National Security Council aide who was the order's chief architect, replied: "It's possible. I don't do the PR around here." Had he leaked it? Neustadt declined to answer directly. "Jody [Powell] calls the shots," he said. Neustadt added that "there were a number of copies floating around," since the draft had been "discussed with people on the Hill and a few outside experts, and five subcommittees on the Hill saw final drafts." He also said that a newsletter had run a story about the order a week before the *Times* piece.

Be that as it may, the President's order to prevent leaks had been leaked, and in a manner that artfully diffused much of the unfavorable publicity generated by the draft version circulated last year. "The selling of the order," one White House official conceded, "was as important as the drafting."

But in Washington, leaking, as with other forms of infidelity, is still subject to a double standard. Only a few days later, Carter summoned key leaders of the House and Senate to a closed meeting at the White House to complain that leaks of classified information from Capitol Hill were drying up intelligence sources and damaging America's security. Sitting in on the meeting were the President's national security heavies, including Admiral Stansfield Turner, director of the Central Intelligence Agency; Zbigniew Brzezinski, the President's national security adviser; Secretary of State Cyrus R. Vance; and Defense Secretary Harold Brown.

Senator Barry Goldwater, the Arizona Republican, one of those called in

THE ORDER TO PREVENT LEAKS WAS ITSELF LEAKED.

to the Oval Office, said afterward that the President's concern resulted from "leaks that have appeared in the *New York Times* and the *Washington Post* over a long period of time." But other than mentioning the Pentagon Papers, which leaked to the press seven years ago, Goldwater provided no examples.

Nor did Jody Powell. "I don't know of any specific story," he told reporters. "You're talking about an accumulation of events. . . ." Powell became annoyed when the reporters suggested that, without examples, Carter's complaint of congressional leaks lacked credibility. "I really don't give a damn whether you believe it or not," he snapped.

Powell repeated that the President's concern was prompted by "a number of situations in which classified information was improperly released." He admitted that some of these disclosures had come from the executive branch. And from the White House?

"When we decide to make a leak," Powell replied, "we make sure it does not jeopardize national security."

JOHN SHATTUCK, WASHington director of the American Civil Liberties Union, expressed disappointment over the Carter order, although he said it was a "mild improvement" over Nixon's version. But Shattuck argued that any improvement in the executive order is outweighed by "the administration's effort to create an official secrets act through the enforcement of a secrecy contract against Frank Snepp, and the use of the Federal theft statute to prosecute espionage cases."

Snepp, the former CIA officer who wrote *Decent Interval,* a critical account of the agency's role in Vietnam, was ordered by a federal court on July 7 to surrender his "ill gotten gains" from the book. The decision was a victory for the CIA and the Carter administration, which had clearly decided to challenge Snepp in order to discourage other former agents from writing their memoirs. Snepp had declined to clear his book in advance with the CIA, as required by a secrecy agreement he had signed in 1968. The Justice Department brought suit against him even though the government admitted that the book contained no classified information and gave away no secrets.

The Carter administration could scarcely have found a better hanging judge for the case than Oren R. Lewis, a 75-year-old Eisenhower appointee who angrily lectured Snepp from the bench ("I think it was a willful, deliberate breach of contract . . . he did it for money") and who at one point remarked that the evidence "won't make any difference." It didn't. Lewis decided the case himself, without a jury, and his ruling, after he had spent two days interrupting and criticizing Snepp and his defense lawyers, was predictable.

The Snepp trial received considerable publicity, as did the government's successful prosecution of another Vietnam-related case against Ronald Humphrey, the former USIA official, and David Truong. Both Humphrey and Truong were convicted in May of spying for Vietnam, and later sentenced to long prison terms. Less widely noticed was the fact that in addition to the espionage charges, both men were convicted of theft of government property under Section 641 of the federal criminal code.

The same charge of theft was brought by the government against Daniel Ellsberg in the Pentagon Papers case, but the issue never came to court because, it will be recalled, Judge William Matthew Byrne, Jr., dismissed the case when the Nixon administration's improper actions were revealed. These included the plumbers' break-in at the office of Ellsberg's psychiatrist, and an offer of the job of FBI director to Judge Byrne—proffered by John Ehrlichman at San Clemente—while the Ellsberg trial was in progress.

In the Humphrey-Truong case, however, the government's theft-of-documents gambit worked, and the implications for government control over information are frightening.

The defendants were charged with willfully converting information belonging to the U.S. government to their own use. Judge Albert V. Bryan, Jr., instructed the jury that this could include "information copied from and the contents of records or copies made of records. The information may be

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government property apart from the documents or sheets of paper themselves."

Thus the court agreed with the government's theory that it owns ideas and information, not merely the documents on which they are recorded. Nor, under this approach, does government information have to be classified in order for it to be "stolen." *Any* government information—from the size of last year's alfalfa crop to the number of postage stamps printed last week—could, if leaked, result in a criminal prosecution. This rationale is at the heart of the British Official Secrets Act, which prohibits the unauthorized disclosure or possession of any government information, regardless of whether it involves national security.

According to Morton H. Halperin, director of the Center for National Security Studies, the government's successful use of Section 641 means that "a newspaperman who receives information from a government official who leaks it to him could be prosecuted." Both Halperin and the ACLU's Shattuck believe the new executive order must be read against the background of the Snepp case and the use of the theft statutes in the espionage case. "The basic issue," said Shattuck, "is that they are trying to create an official secrets act by various means."

Carter's Executive Order 12065 is but the latest in a series of presidential directives classifying government information. It is a direct descendant of the first such order, issued by President Truman in 1951. Until then, there was no formal system of classifying government information in civilian departments.

Carter's order does improve on Nixon's in several respects: Some documents—Carter promised it would be "most" documents—are to be declassified in six years. Under Nixon, documents classified "Confidential" could be declassified in six years, "Secret" in eight years, and "Top Secret" in 10. Secrecy labels may now be applied only to documents which, if released, "could reasonably be expected" to cause some stated degree of damage to national security; information must now fall into certain categories in order to be classified (a provision that is not entirely comforting since the last category is called, simply, "other categories"); and for the first time, information must be declassified if the need for secrecy is "outweighed by the public interest in disclosure of the information," a balancing test that Halperin, in particular, fought successfully to include in the order.

THE COURT AGREED THAT THE GOVERNMENT OWNS IDEAS.

DESPITE THESE CHANGES, the Carter order continues to permit thousands of government officials to stamp "Top Secret," "Secret," and "Confidential" labels on literally millions of government documents every year—4.5 million in 1976, according to a House subcommittee.

And despite the hosannas of the *New York Times,* buried in the order is a Catch-22 provision that has the effect of allowing government officials to classify a document indefinitely. The order provides that documents must be declassified in "no more than six years"—except that officials with authority to stamp documents "Top Secret" "may classify information for more than six years." This power shall be used "sparingly," a term nowhere defined. (If "sparingly" means that, say, only one out of four documents may be classified beyond six years, that would still permit 1.1 million documents to be given long-term classifications each year, using 1976 figures.)

When documents are stamped secret beyond six years, the order provides three options for declassification: either a declassification date, or an event that would make classification unnecessary, "or a date for review" must be set "no more than twenty years" after the document is classified (30 years in the case of information provided by foreign governments). It is this third option, the provision for "review" in 20 years, that provides the opening in the tent for the camel's nose of secrecy.

Obviously, a classified document marked "for review in twenty years" will not in every case be declassified at the end of that time. The bureaucrat "reviewing" the document may decide to declassify it, but he may just as easily decide to continue the classification. Thus, marking a document for "review" might be interpreted as a form of indefinite classification. Jerry Berman, legislative counsel to the Washington ACLU office, who has studied the order closely, termed the review provision "ambiguous."

"Review was a battleground," one administration official who worked on the secrecy order declared. "It was clear you had to have a third option. But what happens if the twenty year review date passes and no one reviews the document. Does the document remain classified?"

Rick Neustadt said he thought that in such a case, the document would be declassified, but he could point to no language in the order that said so. "After twenty years a document marked for review is legally not classified," he said. "But it is still in the filing cabinet, so it isn't released, either."

Suppose a document *is* reviewed in 20 years. Under another section of the Carter order, authorized officials "may extend classification beyond twenty years," but must set a date no more than 10 years later "for the next review .... Subsequent reviews for declassification shall be set at no more than ten year intervals." In other words, a document may be classified for 20 years, then kept secret indefinitely, with its secrecy renewed every 10 years.

In many cases it might not even be necessary to bother with the 10-year extensions. The order sets up a new Information Security Oversight Office whose director has power to extend the time between periodic reviews "for specific categories of documents or information."

According to Rick Neustadt, this provision was included "particularly for cryptographic information. We know that some material pertaining to cryptology is going to have to be classified indefinitely. I can't go into details on that because it's classified."

Neustadt agreed that under the Carter order, as under previous presidential orders, the government could keep a document classified forever. "That's always been true for a narrow set of documents, such as ones naming foreign agents. Cryptography would be another example."

The executive order states that only higher-level officials can classify documents for more than 20 years, and that "this authority may not be delegated." In reality, the language will not

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prevent lower-level aides from exercising authority in their bosses' names. "It doesn't mean the Secretary of State will review every document," Neustadt explained. "Let's face it. It means the extended classification has to be done on his authority. As a practical matter, what happens is that a staff assistant goes through a whole batch of documents, decides which ones should stay classified, and takes them in to the Secretary of State for his approval."

One of the unquestioned virtues of the Carter secrets order is that for the first time, classifiers are required to mark which paragraphs or portions of a document are secret, and which are not. (The provision was included over the objections of the Energy Research and Development Administration, which controls classified documents dealing with nuclear weapons.) In the past, entire documents could be classified because one word or sentence might be secret. There is an interesting qualification buried in the order, however, which states that the new director of Information Security Oversight may waive this requirement in certain cases.

"They are talking about information classified by machines," the ACLU's Jerry Berman explained. "You know that machines classify documents now. Some machines are computer-programmed to look at a document and stamp it 'Top Secret.' But the machines have a hard time marking paragraphs."

BEHIND ALMOST EVERY sentence of the secrets order, there were bureaucratic battles, often with Neustadt and his NSC staff assistants arrayed against the classifying hardliners of the CIA and the Pentagon. For example, Nixon's order permitted the "Confidential" label to be stamped on a document if its disclosure could "cause damage to the national security." The NSC aides drafting Carter's order wanted to qualify the word "damage" with an adjective. In the draft circulated last year, the words used were "significant damage." The Pentagon objected to "significant" as too strong. In the final version signed by the President the phrase appears as "identifiable damage."

Carter glided over this watering-down in the statement he issued on signing the new order. "The standard for classification has been tightened," he said. "No document is to be classified unless its release reasonably could be expected to cause identifiable damage to the national security. Insignificant damage is not a basis for classification."

THE EUPHORIA OF SECRECY GOES TO THE HEAD.

Carter added: "The government classifies too much information, classifies it too highly and for too long. These practices violate the public's right to know... The new order will increase openness in Government. . . ."

But the Carter rhetoric conflicts with the reality of official secrecy. It was one thing for a former Georgia governor to campaign as an outsider, promising to open up government to the people. It is another thing to govern. Like Presidents before him, Carter, once in the White House, discovered that secrecy is one of the tools of power. Frustrated by leaks, he has not, apparently, set up his own plumbers in the White House basement. Instead, he has substituted public relations for meaningful reform of the classification system, unleashed his attorney general and the power of the federal government against a book, and successfully established the legal concept that the government owns words and ideas—which is more than Richard Nixon's Justice Department was able to prove in the Ellsberg prosecution.

And, although the outlines are shadowy, there are indications that, behind the scenes, the administration has vigorously been pursuing leaks of information to the press. At least four articles in the *New York Times,* as well as stories carried by the Associated Press and the *Washington Star,* have reportedly been the subject of Justice Department or FBI investigations.

The administration gumshoes are believed to have pressed particularly hard to uncover the sources of a story by Seymour M. Hersh about CIA covert operations. The article, published on an inside page of the *Times* on June 1, described details of operations in the Middle East and Africa and suggested that Congress may not be exercising as much control over such operations as had been thought. Hersh disclosed that the CIA was delivering radio and communications equipment to President Anwar el-Sadat of Egypt and to the government of the Sudan, and had organized an anti-Cuban propaganda campaign during the fighting between Ethiopia and Eritrean insurgents. One knowledgeable observer in Washington suggested that the administration might have taken even more drastic action to track down the leakers but feared that this would only draw wider public attention to Hersh's story.

In short, the atmosphere and the prosecrecy actions in the capital speak louder than the rhetoric of dedication to open government. The "euphoria of secrecy," C. P. Snow suggested, "goes to the head."

AND NOWHERE IS THIS truer than in the nation's capital. It was, consequently, something of a surprise when William T. Bagley, the chairman of the Commodity Futures Trading Commission, recently ordered the agency's eight "Confidential" rubber stamps brought to his office to be destroyed. "I know of no other way to deter indiscriminate use of a confidential stamp other than to destroy any and all of them," he said. Too often, he added, the secrecy label is used "to keep the public out of the business of government."

I asked Bagley what had inspired him to take this extraordinary step. "I've lived for fifty years without a secrecy stamp and I don't need one now," he replied. "I don't see any reason whatsoever to have an executive order and a bureaucracy of secrecy. If you have something that must be secret, you just don't divulge it—you don't have to stamp it. What happened was that some people in our office—I guess it's endemic to Washington—just went out and bought these damn stamps. Next thing I knew, documents were coming to my desk marked 'Confidential.' It's absurd. I gathered up the eight stamps and literally threw them into the Potomac."

Bagley's attitude is commendable, and his actions, for a government bureaucrat, almost incredible. Someone should warn him, however, that he is swimming upstream against a swift current. He has no future in Carter's Washington. ❑

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CAMBODIA—YEAR ZERO, by François Ponchaud. Holt, Rinehart, and Winston, 212 pp., $8.95.

A revolution devours its people

WILLIAM SHAWCROSS

MPONCHAUD'S BOOK aroused a great deal of interest in the United States long before it was published here. Jean Lacouture, the French socialist, reviewed the French edition in the *New York Review of Books* for March 31, 1977. He considered that Ponchaud showed that "the bloodiest revolution in history is now taking place" in Cambodia. "Ordinary genocide (if one can ever call it ordinary) usually has been carried out against a foreign population or an internal minority. The new masters of Phnom Penh have invented something original, auto-genocide. After Auschwitz and the Gulag, we might have thought this century had produced the ultimate in horror, but we are now seeing the suicide of a people in the name of revolution; worse: in the name of socialism."

Lacouture's review had enormous impact, particularly because it was written by a former supporter of the Khmer Rouge (he issued a *mea culpa*) for a paper which had consistently opposed the war. It was taken up by dozens of papers, including the *New York Times* and the *Boston Globe*. At the same time, it aroused the fury of Professor Noam Chomsky, who wrote Lacouture a long letter pointing out that he had made several serious errors of fact and had misread the book in certain important ways. Lacouture then acknowledged these errors in a long correction published by the *New York Review*, but Chomsky did not consider this adequate. Since then, he has conducted a vigorous campaign, both in print and in detailed personal letters, to counter the continuing effect of Lacouture and also to plead that Ponchaud's book is unreliable. In one letter to a sympathetic friend in England, he apparently went so far as to call Ponchaud a crook. This description found its way into print.

Chomsky's fear is that Cambodia is being used to justify the old "bloodbath theory" and thus to help resurrect the liberal interventionist philosophies which helped cause the Indochina debacle in the first place. This point is valid enough. The war ended in 1975 with Kissinger and Ford demanding that there be no "recriminations" over Indochina. The demand was met, and, of course, no "recriminations" meant no debate, no exam-

TOM MOON

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ination, no criticism. In most of the country—and much of the world—Vietnam was thankfully set aside; in official Washington, it sank almost at once into the depths of indifference with which yesterday's issues are usually regarded in that city. Now, three years later, many of those members of the town's establishment who came to oppose the Indochina effort are desperately attempting to prove that Vietnam was an aberration—for them as well as for the country—and that the precepts of the early sixties still have some validity—in Africa, for example. Memories are so short, lessons so hard to learn, that a man like Joseph Kraft, who once was rather critical of the Nixon-Kissinger war, can now write that Carter's bungling would have landed the world in total shambles but for the relative stability produced by the brilliance of Henry Kissinger. And George McGovern can echo the earlier call by William F. Buckley, Jr., for a new invasion of Cambodia to drive the Khmer Rouge from power.

Nowhere were the particulars of Kissinger's brilliance better displayed than in Cambodia, where the demands of peace with honor made a desolation. In 1969, the country was secretly bombed and Sihanouk thus destabilized. In 1970, the invasion spread the war and the North Vietnamese out of the sanctuaries they had occupied along the border with South Vietnam and across the land. From 1970 to 1975, the White House—often in disregard of advice from State and Defense—sustained Lon Nol's derisory incompetence and made only intermittent and clumsy attempts to arrange even a limited ceasefire like that in Vietnam. The effect of American intervention was to destroy completely the old society and (as in so many other countries of the world) to encourage a revolutionary nationalist movement that had barely existed before.

Ponchaud understands and describes this. He also goes into considerable detail on the genesis of the Cambodian revolution. Most of Cambodia's present leaders learned their Marxism in Paris in the 1950s, when the French Communist Party—an organization that has been remarkable for its adherence to dogma—taught uncritical admiration of all things Stalinist, including collectivization of agriculture and hatred of the bourgeoisie. One of them, Khieu Samphan, wrote a thesis on the development of the Cambodian economy. It was an examination of the Khmer peasantry and of the burden which the nonproductive urban sector imposed upon it. Khieu Samphan concluded that before Cambodia could develop, it must be shielded against the worst influences of the world economy, and city dwellers must be transferred into productive work. But the means he proposed for effecting this change were essentially moderate.

Nixon's and Kissinger's demand for peace with honor left Cambodia in ruins.

The shared intellectual training of the Cambodian leaders was reinforced by intermarriage and by a common, arduous revolutionary experience. They took to the maquis in the sixties, mostly in 1963. Throughout the sixties, they suffered not only the persecution of Sihanouk but also the indifference of Hanoi. In 1970, they had, by their own account, a force of only 4000; by the end of the war their main force units numbered some 70,000. Most of them were politically callow youths, far too young and far too few to cope with the 3 million or so hungry people crammed into the government's corrupted enclaves, 2.5 million of them in Phnom Penh alone. The aim of the evacuation, says Ponchaud, "was to prove a theory that had been worked out in the abstract without the slightest regard for human factors." But its total, instant nature can best be explained by the exigencies of simple control.

Since then, the Khmer Communists have obliterated almost all traces of the old semifeudal society. The monarchy, Buddhism, and the family have been abolished. The population has been grouped into cooperatives tasked with building a vast irrigation system the likes of which Cambodia has not seen since the empire of Angkor in the thirteenth century. Just how much of it is yet complete is not clear, but it seems likely that the country has by now created a strong agricultural infrastructure on which industrialization will be based. But the cost is incalculable and unconscionable.

THROUGHOUT THE LAST three years, Phnom Penh radio, the principal source of official news about the country, has stressed above all the concepts of independence and sovereignty. Ponchaud, who has followed the broadcasts carefully, writes that "all the slogans designed to mobilize the working people entail either being or becoming

master of the country
master of the earth and water
master of the rice paddies and fields, the forests and all plant life
master of nature
master of the future, of our destiny
master of the revolution
master of the factories, of production."

At the same time, the radio stresses the need for "renunciation"—of "personal attitudes, material goods and personal behavior." Ponchaud comments, "Life is an all out battle against nature, the enemy and the self. From it a new race of men should be born. But only by killing an old art of living compounded of freedom, tolerance and respect for life."

Just how little life has been respected in Democratic Kampuchea cannot be known for certain. On the basis of his interviews with refugees—he has now talked to over a thousand in Paris and Thailand—Ponchaud estimates that "unending labor, too little food, wretched sanitary conditions, terror and summary executions" have caused over one million deaths since April 1975. Since the book went to press, the war with Vietnam has worsened. The fighting has ebbed and flowed across the border; towns and villages on each side are deserted, rice fields destroyed. Refugees have reported that the purges have now reached into the Communist Party. Hanoi has claimed that all the Cambodian Communists trained in Hanoi and sent back down the Ho Chi Minh Trail after the 1970 coup have been murdered. "It is most enraging," Hanoi Radio has said, "to see that on the bodies of those murdered there are inscriptions reading 'convicted for [sympathy] with Vietnam.'" Cambodian claims that the Vietnamese have constantly tried to overthrow the Khmer Communist regime seem to be certainly true. In recent months Hanoi has called the Cambodian "ruling

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clique . . . the most disgusting murderers in the latter half of this century," has spoken of the resistance movements growing inside Cambodia, and has broadcast calls by defectors for an uprising by the Khmer people. No one can tell how many people have been killed on each side in the fighting (Phnom Penh radio has urged that each Cambodian kill 30 Vietnamese), but Ponchaud believes that the number of deaths within Cambodia alone may be over 2 million. He has heard, he says, of villages in which a third, a half, or even nine-tenths of the population has died.

*IT IS THIS SORT OF ASSER*tion, based on refugee testimony, that particularly disturbs Chomsky. Certainly it is true that death tolls in Democratic Kampuchea have been cast around with abandon in the West. Since there is no way of knowing just what the prewar population was, nor the number of those killed during the war, all figures deserve to be treated with great caution. But in the end, the exact totals are not the crucial factor—the nature of Nazism would not have been different had Hitler slain one million Jews. What matters is whether murder is being used as an instrument of government—either to extinguish a class or to assert control. In my opinion, the evidence is overwhelming that this is so in Democratic Kampuchea. The refugees who have fled, over a three-year period, to Thailand and to Vietnam, from almost all parts of the country, consistently describe similar experiences at the hands of their rulers. As party purges increased last year, Khmer Rouge officials themselves began to flee; they confirmed the earlier accounts.

Ponchaud, a Jesuit priest who lived 10 years in Cambodia, had welcomed the prospect of Khmer Rouge victory as the only hope of lifting Cambodia out of its misery. But after he began to study the victorious regime, "I was forced to conclude, against my will, that the Khmer revolution is irrefutably the bloodiest of our century." Chomsky has pointed out some inconsistencies and mistakes in Ponchaud's work, but they are of a minor nature and do not in any way affect that judgment. Ponchaud himself suggests, "We cannot make use of the deaths of millions of Khmers to defend our theories or projects for society." In fact, of course, it can be and is being done.

NEVER AGAIN: Learning from America's Foreign Policy Failures, by Earl C. Ravenal. Temple University Press, 176 pp., $10.00.

Nie wieder Krieg?

FELIX MORLEY

EARL C. RAVENAL HAS recently come to the fore as one of the most discerning, temperate, and, above all, illuminating critics of current American foreign policy. His position, at the Washington School of Advanced International Studies at Johns Hopkins University, is advantageous for the highly important line of study he has chosen to pursue. Professor Ravenal's latest work, which is "about how a nation learns from its foreign policy failures," will add to the stature of this outspoken young academician.

Nevertheless, its title, *Never Again*, aroused troubling memories for this reviewer. During the winter of 1921–1922, when runaway inflation was making the Germans desperate, I spent several weeks in the home of a Berlin friend. The atmosphere of the country was then strongly pacifist, and the capital was plastered with posters proclaiming *Nie wieder Krieg*—"Never again war." I brought one of these home and, years later, hung it on the wall of my study as a reminder. On the day that Mussolini invaded Ethiopia, there was a strong wind, which blew the poster down.

In his text, however, Ravenal is far from maintaining that we shall never again get involved in distant wars. He is merely arguing, from a close case study of the Vietnam experience, that there is one course, and only one, with any assurance of immunity from war. It is not an easy course, since it implies, as he puts it, that "we must adjust our entire foreign policy orientation to the evolving constraints of the international system and our own domestic system."

In an introductory analysis, the author divides American attitudes toward the Vietnam War into five "critiques," or categories, which together cover every viewpoint, expressed or imaginable. The Strategic Critique, the position preferred by Ravenal, is not concerned with a strategy improvised for a military situation but with one that is imposed by the nature of our government and the character of our people. Ravenal's impartial fivefold classification permits us to terminate the perpetual debate about details of foreign policy and to concentrate—dispassionately and analytically—on the lessons of Vietnam.

Nonintervention is the foreign policy that Ravenal believes to be the most rational one for the United States. While he finds ample justification for this conclusion in the somber Vietnam tragedy, he points out that its lessons are actually an "epitomization" of earlier experience.

There is no doubt, in the opinion of this reviewer, that the most enduring result of our intervention in the First World War was the establishment of Communism throughout the former Russian empire. The major consequence of our intervention in the second global conflict was the spread of Communist domination over half the world. It is a fair presumption that, regardless of the narrowly military results, another major war with American participation would finally destroy our fragile system of individual liberty and representative government. In the end, some type of primitive dictatorship would be essential to maintain any sort of order after the withering blasts of atomic warfare. It is of course possible that, given our dislike for disagreeable terminology, we would prefer to call our brand of communism something like "Affirmative Democracy."

SUCH IS THE SCENARIO that issues from reflections on recent experience. But since as a people we are not adept at reflection, Ravenal emphasizes the obstacles to hasty action written into the Constitution by the founding fathers. We enjoy a government of separated and balanced powers, divided not only between the executive, legislative, and judicial branches in Washington, but also between the established powers of the central government and those of its constituent states. Though much au-

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thority has been ceded by the states, we still possess a *federal* Constitution.

In spite of, indeed partly because of, the overgrowth of government, most of our loyalties are still connected with the "grass roots" and are provincial rather than national in character. Currently, there is a strong revival of localism and reaction away from national vainglory. But the constant clash between our decentralized institutions and the centralizing policies followed during decades of war-making and preparations for war has produced something akin to national schizophrenia. In such a basic conflict, either the government's grandiose policies or the nation's inherited institutions must eventually give way. The theme of *Never Again* is that the institutions, though perhaps with some modification, will stand firm.

This accords with the general failure of our presidential pretensions during the past 60 years. It is now that length of time since Woodrow Wilson sought vainly to obtain Senate approval for American membership in the old League of Nations. He failed primarily because the League's Covenant had been made an integral part of the Treaty of Versailles, the injustice and unworkability of which even then was apparent to the farsighted. When this draconian treaty led to German revolt against its impossible terms, there was again strong opposition to Franklin Roosevelt's policy of renewed intervention. It was the glory of the "Old Right," under the political leadership of men like Herbert Hoover, Robert A. Taft, and Robert E. Wood, to resist the trend toward an emotional interventionism and point out that the United States could only wreck its own indigenous institutions by jumping hysterically into every European or Asiatic quagmire. Such interventionism has been the predominant pattern of what is called liberal thinking, meaning the thinking of those who want to place unrestricted power in the hands of moralizing Presidents. Unfortunately, this messianic complex has also affected the thinking of many who call themselves "conservatives," but who flirt with what is in reality national socialism in their desire to create an authoritarian society in America under the "right sort" of leader.

Ravenal emphasizes that he is writing realistically for the "Second-Best World" which has evolved from the convulsions of this century. He is no optimist, believing that "the international system will probably continue to degenerate into a disorder more severe than we have known." But his gloom makes him the more certain that "we should avoid conflict ourselves in a world that will continue to be limited-war prone, even if the world thereby becomes somewhat more anarchic."

This hard-hitting little book will send shivers up quite a few backs. It will not be popular in our client states, such as Israel, which, as the author says, cannot afford to rely on smooth official assurances of American support such as South Vietnam once received. There are those who, following Solzhenitsyn's views, will say that Ravenal exhibits that "failure of nerve" of which we are nowadays so frequently accused. But others, probably much more numerous, will be happy that this scholar, whose familiarity with American history and American institutions is much greater than Solzhenitsyn's, has recalled for us the wise admonition in George Washington's Farewell Address: "The great rule of conduct for us, in regard to foreign nations, is in extending our commercial relations to have with them as little *political* connection as possible." ❏

The mystery of the disappearing black

NOEL PERRIN

WHEN RALPH ELLISON published *Invisible Man* in 1952, blacks were invisible because whites simply didn't notice them. White newspapers and magazines—that is, practically all newspapers and magazines—especially didn't notice them. One found few or no black marriages reported in the society pages. Except on the Booker T. Washington level, there were hardly any black obituaries. Hardly any black models in the advertisements. Just the occasional mention that this or that criminal was black.

In most ways this has changed. There are certainly more black figures in the advertising. There are many more articles about specifically black institutions and about the black experience at integrated institutions: the black student at Columbia, blacks in Congress, and so forth. And there are normally no references, in any respectable newspaper, to the racial identity of criminals.

But meanwhile a strange thing has happened. Along with the black criminal, *all* blacks have vanished from ordinary news stories. Most whites, too. I am reminded of that early scene in George Orwell's *Coming Up for Air* where the hero examines a jar of marmalade his wife has bought, "and the label tells you, in the smallest print the law allows, that it contains 'a certain proportion of neutral fruit juice.'" This phrasing tickles the hero's fancy. He begins "in the rather irritating way I have sometimes, talking about neutral fruit-trees, wondering what they looked like and what countries they grew in, until finally Hilda got angry."

Neutral human beings appear in large numbers in New York journalism.

Blacks, as it happens, are highly visible to me. Some of my close friends are black; I think especially of two of my black colleagues on the Dartmouth faculty, and of several undergraduates I've come to know well. When I visit New York, I notice blacks all over the place; and when I have adventures in the city, black people often figure in them. But I find that when I write about those adventures, giving black characters the roles they really had, the editors "invisibilize" them. Between my text and the printed page, the blackness fades away. I do not know whether the editors are scared of trouble, or whether they think of themselves as marvelous liberals, or what. I do know that they alter my world—and presumably the worlds of other writers as well—so that it is impossible for blacks to be casually present.

I first noticed the phenomenon two or three years ago, when I published an article in *New York* magazine. The

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Along with black criminals, all blacks have vanished from ordinary news stories.

article was about coming down from my New England farm with a load of firewood to sell in Manhattan. (I wanted to see if it was true you could get a dollar a log in the city. It isn't. New York wood dealers are tough bargainers. I got nine cents a log, hardly more than the wood is worth in Vermont.)

On the way down, I had an encounter with a rural gas-station owner, a man who spoke western New England dialect. For the purposes of the article, I called his dialect "New England peasant." It is not a grammatical speech form. For example, this fellow said enviously of the white birch sold by a friend of his, "He gets it up to his camp. It don't cost him *nothing*." These remarks slid by the editors of *New York* untouched.

*IN THE CITY, I HAD A SOME*what longer encounter with a couple of black garage attendants. Both spoke an urban variety of Afro-Am. Both got entirely neutralized.

As I wrote the article, I described leaving my loaded truck overnight at the Kinney Parking Garage on West 44th Street:

"There are three attendants, all black. The one who comes over to the truck is a young guy, very lively. He has a piece of white birch in his hands in no time, and is stripping off a piece of bark. 'Hey, man, it's just like paper.' I tell him the Indians used to write on it. 'This tree don't grow in America, do it?' he asks in honest surprise. I assure him I cut it myself in Vermont, but he isn't really listening. He's noticing the difference between the white birch (chalky, and it peels) and the gray birch (not chalky, doesn't peel) missed by three wood dealers earlier. I tell him this, causing the oldest black attendant, who is now also standing by the truck with a piece of wood in his hand, to jeer, 'He don't know the difference between that tree and his rump.'

"The young guy ignores that, too. 'Do it carve?' he asks me, still holding the log. 'I'd like to buy me this.' The whole encounter has been too pleasant to mar with a 9¢ sale, so I give him the log. 'Thanks, man,' he says. 'I'll whittle me something nice.' "

The youngest attendant, as I pictured him (and as he really was), speaks a dialect, and he is dendrologically ignorant. But he is also presented as more observant than three white wood dealers, and as a thoroughly nice person. Nevertheless, *New York* changed the passage to read like this:

"There are three attendants on duty. The one who comes over to the truck is a young man, very lively. He has a piece of white birch in his hands in no time, and is stripping off a piece of bark. 'Hey, man, it's just like paper.' I tell him the Indians used to write on it. 'This tree doesn't grow in America, does it?' he asks in honest surprise. I assure him I cut it myself in Vermont, but he isn't really listening. He's noticing the difference, missed by three wood dealers earlier, between the white birch (chalky, and it peels) and the gray birch (not chalky, doesn't peel).

" 'Does it carve?' he asks me, still holding the white birch log. 'I'd like to buy this.' The whole encounter has been too nice to mar with a 9¢ sale, so I give him the log. 'Thanks,' he says. 'I'll whittle something nice.' "

My young black guy is now a neutral-toned "young man," speaking neutral English. The encounter with the older black man has vanished entirely—even though it was the one thing I had bowdlerized myself before sending the article in. (He actually said that his younger colleague didn't know the difference between a white birch tree and "he ass." In Afro-Am, the proper bowdlerism would have been "he hips." But I didn't know that then.) If I were a black reader of *New York*, I would wonder mildly how come there seemed to be so few blacks working at the Kinney Garage on West 44th.

Not as a black reader, but simply as myself, I was surprised at the changes, and attributed them to cowardice at *New York*. I didn't yet realize it was a general phenomenon. But then a few months ago I sent a little article to the "Living" section of the *New York Times*. It was called "Race, Creed, Color, or Shape of Vehicle," and it was about prejudice against pickup trucks in New York City.

AT THE CRUCIAL MOMENT of the piece, I have just been turned away from the Lincoln Center Garage (which never admits trucks) and from two successive parking garages on Eighth Avenue. The attendants at these will not even listen to my argument—namely, that a pickup is no bigger than many of the cars they have admitted, is in fact at least three feet shorter than the ranks of gleaming Cadillacs I see inside. I am about to miss the ballet I have come down especially for. At this crucial moment, a young black man on Eighth Avenue who has been watching my troubles strolls over and advises me to forget about parking garages. An open-air lot is my only hope, he says, and he tells me where to find one. I do find it, and I make the ballet.

This is, in fact, what happened—and it also seemed to me a strikingly symbolic event. It took a black to sympathize with my problem of being turned away because of the shape of my vehicle . . . and to know the solution. He knew what kinds of places *were* prepared to admit trucks, and it was right he should know. We had, in a sense, a common bond of discrimination.

As the *Times* printed the piece, this whole theme was gone. They changed the title to "The City Is No Place for a Country Truck," and the young man who steered me to the open-air lot has become one of those neutral young men so abundant in American journalism. I became aware of these changes only when I saw the article in print.

It would be interesting to know how many hundreds or thousands of black characters have similarly been excised in the past 10 years, and even more interesting to know why. Whatever the motives of the editors, the result is a pernicious one. Blacks will not have a plenary existence until they can be routinely included in routine stories, speaking whatever standard or dialect English they happen to speak, no more or less visible than anyone else. ❑

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THEATER

Stage-struck in London

STEPHEN HARVEY

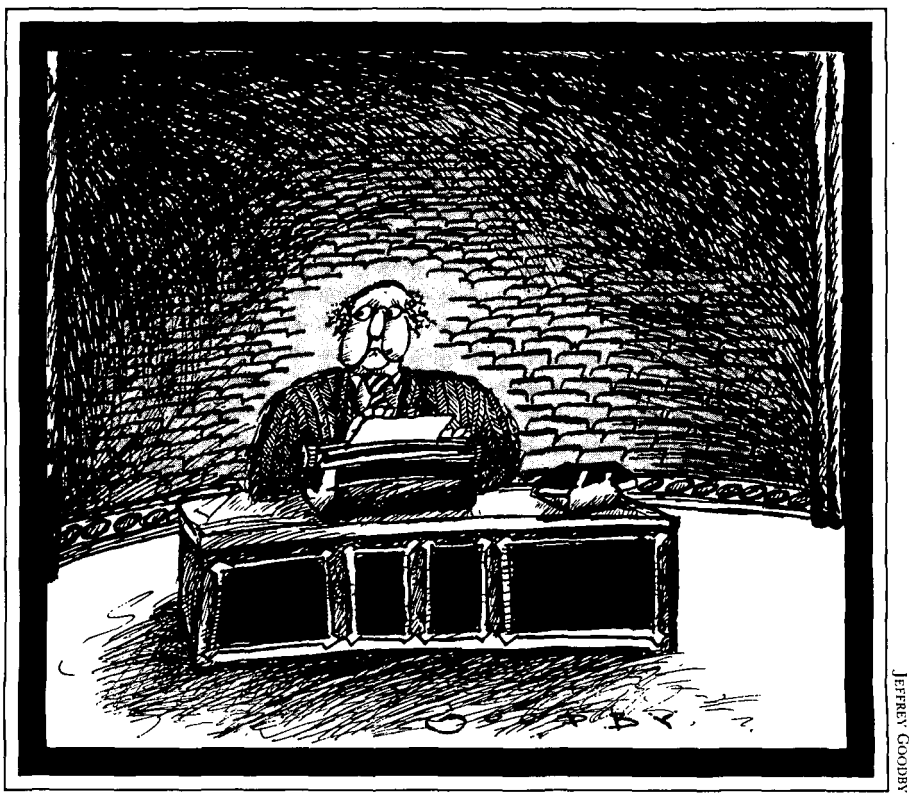
DESPITE OUR REVERENCE for Olivier and theirs for Lauren Bacall (not to mention a common language, more or less), much more separates Broadway from London's West End than 3500 miles of ocean. Visitors have raved for years about what a civilized experience London theatergoing is compared to New York, and it remains true. Despite rampaging inflation, ticket prices still seem a windfall bargain compared to Broadway, and even at the peak tourist season, seats are available for almost everything on the day of performance—even at musicals and the repertory companies.

As far as the plays themselves go, both Broadway and the West End specialize in acting and staging of relatively high professional standards applied to mild, undemanding fare. It's in the particulars that our own taste in fluff differs from what the English fancy. Broadway dotes on Neil Simon, and Shaftesbury Avenue on Alan Ayckbourn, but neither author has met with comparable success on the opposite side of the Atlantic. No less than three Agatha Christie thrillers are currently playing in London (including the imperishable *Mousetrap*). Meanwhile, the kind of chastely titillating bonbons which disappeared from Broadway 10 years ago still flourish in England. A vapid little item called *No Sex Please, We're British* continues to tickle the repressed after seven years; pop culture sociologists might be amused to note that its chief recent competitor is entitled *Shut Your Eyes and Think of England*. For the (presumably) more daring, *Oh! Calcutta* has been running nonstop since 1970.

Musicals are in short supply compared to the States, largely because the English have never quite mastered the recipe. Hence such American imports as *A Chorus Line*, *Annie*, and an Anglicized *I Love My Wife* are playing to appreciative audiences, while even the arthritic *Irene*, lacking any box-office draw comparable to Broadway's Debbie Reynolds or Jane Powell, has already managed to outrun the New York edition of several years back. Is it any wonder that the second biggest musical hit in the West End at present should be a revival of *Oliver*?

*THE PREEMINENT MUSI-*cal sensation of the moment, however, is something else entirely, justifiably lauded in the London press as the first indigenous show in eons to break new ground and generate a few faint hopes for the future of the British musical. ***Evita*** would hardly seem ideal fare for the matinee-lady crowd, since it's an unrelentingly sardonic account of the rise and fall of Argentina's whore-madonna, Eva Peron. Yet nobody who has followed the previous work of its creators, Andrew Lloyd Webber and Tim Rice, should be surprised by their choice of subject. Like their *Jesus Christ Superstar*, it's really about an ambitious kid from the sticks endowed with a mission and a flair for show biz who ultimately makes the big time, acquiring an adoring cult and a few powerful enemies, only to be cut down at the height of his or her celebrity. While *Superstar* understandably struck many as merely an exercise in juvenile chutzpah, here Rice's and Webber's approach is entirely apposite. Incorporating the figure of none other than Che Guevara as the caustic on-stage observer of Evita's progress, the script manages to include a remarkable amount of factual information about its questionable heroine without descending to the didactic. Its attitude toward her is persuasively ambivalent—dazzled by her charisma, independent spirit, and wayward populist impulses, dismayed at her gall and egotism.

Webber's music, practically continuous throughout the show, struck me as somewhat less successful. It's an extraordinarily eclectic and ambitious score; Webber is an accomplished musical mimic, and his pastiches of old-



JEFFREY GOODBY

STEPHEN HARVEY, INQUIRY's film reviewer, is coordinator of the film study program, Museum of Modern Art, New York City.

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Stoppard combines jaundiced political commentary with unusual dramatic forms.

fangled tangos, ballads, and Broadway songs are as engaging as the originals. His own voice as a composer, expressed in shrill, semirock recitative, doesn't have the scope to match his grandiose aspirations. Still, the score is never less than an effective counterpoint to Rice's strong dramatic concept.

However, the real excitement is sparked by *Evita*'s director, Harold Prince, who here reaffirms his status as today's most creative stager of musicals, bar none. *Evita* is the sort of material—bold, satirical, and more than a little heartless—which suits his gifts precisely, and from start to finish his harsh, charged stage tableaux instantly crystallize the themes of the libretto, and then transcend them. From above, newsreel shots of the real Evita flash across a huge screen; below, the disdainful Argentine elite totter across the stage in a grotesque mock-*Ascot Gavotte*, and a *coup d'état* becomes a literal game of musical chairs replete with creaking, outsized rockers for the medal-encrusted players. Evita's ascension to temporal glory at the start of Act II combines terse symbolism and supreme theatrical panache—surrounded by black space and utter silence, Evita greets her worshipers from atop a high scaffolding, arrayed in a meringue of white chiffon while singing a plaintive aria of her humility and sacrifice. It's simply one of the most electrifying moments I've ever witnessed in the musical theater.

Doubtless due in large part to Prince, the huge cast does uniformly commendable work. Rarely has a chorus been used with such dramatic effectiveness, shifting effortlessly from the idolatrous Peronist masses to her robot-like military adversaries, and back again. David Essex evokes a wry Guevara to perfection, while Joss Ackland is a likewise plausible Juan Peron. As for the title role, a talent hunt likened by the press to the search for Scarlett O'Hara unearthed a relative tyro named Elaine Paige. The ideal solution would have been a kind of Lana Turner with talent, and I didn't feel Paige displayed quite the degree of personal magnetism to make a fictional Evita who can vie with the real Evita we see projected from above. Nonetheless, her steely soprano makes the most of an exceedingly taxing score, and her acting skills are almost beyond praise—her face gradually hardening from carnal conceit to frigid determination, her ramrod posture assailed by the illness which eventually took Evita's life. From a dramatic point of view, Evita's rise is inevitably more interesting than her apex and subsequent decline, and the show is subject to those second-act *longeurs* which bedevil most musical plays. Still, there hasn't been such a galvanic event in the musical theater since the premiere of *A Chorus Line*.

SHORT OF THE MORDANT pyrotechnics of *Evita*, the most audaciously entertaining show of the current season was Peter Nichols's ***Privates on Parade***, a transfer to the West End from the Royal Shakespeare Company. Nichols has always delighted in tackling formidable topics such as mental retardation *(A Day in the Death of Joe Egg)*, hospital life *(The National Health)*, and middle-age malaise *(Forget-Me-Not-Lane)*, and infusing them with a dose of pop culture frivolity. Here he's achieved the perfect mating of style and subject—the decline of the British Empire seen as tatty camp music-hall.

The setting is Malaya, 1948, where a tenth-rate army tab show has been assembled to bring cheer to the troops battling the local Reds; the company is made up of the lowest forms of human military surplus, flanked by a half-caste temptress (Emma Williams), more Anglophilic than the Windsors, and the troops' glittering zircon, an eternal male soubrette (Denis Quilley) to whom army khakis are merely a drabber form of drag. Come jungle rot, guerrilla warfare, or inscrutable local audiences, the show must fumble on—even if that stiff upper lip is merely a symptom of advanced rigor mortis. Between sieges of Quilley's enthusiastically atrocious impersonations of Vera Lynn, Noel Coward, and the inevitable Carmen Miranda, the outdated futility of imperial designs and bigotry, both racial and sexual, are mercilessly lampooned, while a uniformly hilarious cast gives as well-drilled a sample of theatrical ineptitude as could possibly be desired.

Compared to the aforementioned two shows, the Tom Stoppard–Andre Previn collaboration, ***Every Good Boy Deserves Favour***, seems downright austere—the stage set consists of three white platforms moored amidst a sea of musicians, the whole bordered by a curtain in vivid People's Democracy red. Yet like *Evita* and *Privates on Parade*, it combines jaundiced political commentary with unusual dramatic forms. The framework came from Previn's suggestion that Stoppard try his hand at a play that would include an on-stage orchestra. In response, Stoppard came up with an agitprop fable of two inmates, both named Ivanov, incarcerated in a Soviet asylum—one a political dissident, the other a delirious eccentric who is the proud possessor of his very own symphony orchestra, which none of the "sane" Russians, dogmatic or renegade, can hear. ("I know what you're thinking," says Ivanov II to stoically incredulous Ivanov I, after a burst of musical inspiration. "The cellos are rotten.") *EGBDF* features the author's individual mixture of giddy puns and gallows humor, while the turns of plot resound with Stoppard's typical Pirandellianisms—all values are relative, even in a totalitarian state. The imprisoned intellectual is no more tolerant of his cellmate's idiosyncrasies than the authorities are of his beliefs; the doctor treating the self-styled conductor claims to head an amateur orchestra, but while the audience can see and hear the inmate's musical charges, the doctor's ensemble is, as far as we can tell, just a figment of his imagination. Trapped by a monolithic bureaucracy, the mental patients are ultimately freed by a snafu in the same mechanism.

Nowadays it's no great feat of courage or imagination to take aim at human oppression in the USSR, when even Western leftists of every stripe are doing so. Yet Stoppard's knack for extracting the absurd humor inherent in such a dire situation without minimizing its seriousness is an adroit trick indeed. His wit is, moreover, com-

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pounded by Previn's musical interludes, which slyly send up every Russian composer from Tchaikovsky through Shostakovich. Less than 90 minutes in length, this is probably one of Stoppard's slighter as well as shorter works; compared to the poignance and amplitude of his TV play, *Professional Foul*, which dealt with a similar theme, *EGBDF* reflects the confinements imposed by Previn's concept as well as its undeniable cleverness. Still, the show gives further evidence, if such were needed, that Stoppard's talent for antic clarity remains unsurpassed in the contemporary theater.

A MORE CONVENTIONALLY somber treatment of Soviet tyranny, entitled ***The Old Country***, recently concluded a long run in the West End; as far as I was concerned, its unrelieved torpor could well have used an occasional clash of cymbals from the likes of Previn. Alan Bennett's play focuses on a Kim Philby-esque defector who has long since worn out his welcome behind the Iron Curtain, yet has meekly acclimated himself to a life of constant surveillance and silent petty harassment. Against his will, he's being traded back to his native England, although his protracted exile has made him an alien in both cultures. *The Old Country* might best be described as Chekhovian in the most hackneyed sense—its characters are melancholy anachronisms, history's pawns stalemated by the meaninglessness of their lives, and so on. All very well, but Bennett's grandiloquently overwritten dialogue weighs down the play's eminently worthy theme, and after so many months of performing, the company's energies seemed pretty much depleted as well. Having replaced Alec Guinness in the lead role, the usually reliable Anthony Quayle acted with a tentativeness far surpassing the indecision of the character he played.

An overabundance of talk also marked Julian Mitchell's ***Half-Life*** and Brian Clark's ***Whose Life Is It Anyway?***, but both had their compensations. *Half-Life* is a comedy of manners of the sort that supposedly expired with S. N. Behrman. True to the archaic mold, a handful of mismatched country houseguests lounge in wicker chairs and aim bitchy *bons mots* at each other while revealing their respective human frailties—there's even an uppity major-domo presiding over the verbal warfare. Mitchell's silken facility almost disguises the antiquity of the genre he's chosen to work with, but the show's true justification lies in John Gielgud's tour de force in the central role. As a retired don belatedly aware that his self-absorbed life has sealed him off from intimate human contact, Gielgud's serene eloquence still irradiates the stage.

Whose Life Is It Anyway? is likewise largely a one-man triumph, thanks to a breathtaking performance by Tom Conti, a young actor known to public television habitués here for his work in *The Glittering Prizes*, *The Norman Conquests*, and *Madame Bovary*. His role in this play offers a technical challenge of awesome proportions; playing an artist totally immobilized after an auto accident, Conti must rely throughout solely on his voice and remarkably expressive features for effect. Nevertheless, his characterization couldn't be more arresting despite these imposed limitations. He possesses the ethnic, gutsy intensity the English rightly admire in the best American actors. Like first-rate performers everywhere, Conti weaves an assortment of contradictory traits into a harmonious whole—fierce irony dissolving into unforced warmth, self-deprecation alternating with boundless assurance. Clark's script is a reasoned, well-tooled tract against organized medicine's commitment to prolonging life at all costs, with a vignette structure betraying its TV-drama origins. An appreciative nod is due director Michael Lindsay-Hogg's efforts to make it stageworthy, yet without Conti this would be little more than a well-intentioned but basically inert debate on a volatile subject.

As usual, many of the best theatrical experiences in London are to be found at the two major subsidized companies rather than in the commercial playhouses. The Royal Shakespeare Company's London home at the Aldwych was in a period of relative inactivity when I was there at the height of the summer, the main attraction being a stark, fluent rendering of *Coriolanus*, featuring a lead performance of sinewy intensity and thrilling vocal power by RSC mainstay Alan Howard. The National Theatre, on the other hand, was bristling with activity, featuring six productions in repertory in its two main auditoriums. My schedule didn't permit me to see Alan Ayckbourn's *Bedroom Farce* or the Albert Finney–Dorothy Tutin *Macbeth*, universally lambasted by the British critics as the most misbegotten production of this work in recent memory. The four offerings I did see were quite impressive on the whole, although Finney, the company's main star attraction, seems to be going through an uneasy period right now.

PETER HALL'S PRODUCTION of ***The Cherry Orchard,*** while lacking the flashes of inspiration that marked Andrei Serban's controversial Lincoln Center revival of a few years back, did prove a thoughtful, authoritative job, thanks in part to Tutin's compulsively vivacious Ranevskaya and Robert Stephens as the most poignantly ineffectual of all possible Gayevs. However, it was seriously marred by Finney's fidgety, mannered turn as Lopakhin, which he followed by a tired variation on his familiar Tom Jones routine in the otherwise scintillating Hall version of Wycherly's ***The Country Wife.*** Finney was fortunately counterbalanced by a fresh young actress named Susan Littler, who turned Margery Pinchwife into a kind of Restoration Billie Dawn, all glazed gazes and nasal bleats, her very toes wriggling in delighted anticipation during the famed letter scene.

Sans Finney, froth of a different order was served up with a revival of ***Plunder,*** a 1928 farce of upper-crust jewel thieves colliding with vulgar parvenus in an archetypal Stately Home. One in a long series of sprightly trivialities penned by Ben Travers for the Aldwych Theatre in its prewar, pre-RSC days, *Plunder* is still convulsively funny, thanks in no small part to the millimeter-sharp precision of Michael Blakemore's staging, and the imperturbable sang-froid of a peerless cast headed by a rhinestone-bedecked, full-masted frigate appropriately named Peggy Mount.

Although the emphasis at the National is on opulently refurbished chestnuts, their most satisfying recent offering was a chilling new play by David Hare, one of England's more perceptive young playwrights whose work has yet to receive much of a hearing in the States. ***Plenty*** is a scathing retrospective sketch of English life from the late forties through Suez to the early sixties as seen with disturbing acuity by a wartime idealist turned self-destructive cynic. Wed to a well-intentioned career diplomat, dabbling distractedly in arts administration during the 1951 Festival of Britain and in

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advertising during the cozy midfifties, she is nauseated by the pervasive atmosphere of postwar affluence and compromise, expelling her bile on everyone in her circle, not exempting herself.

Any brief synopsis is bound to make this many-textured piece seem more schematic than it is, for the heroine's doomed progress is obliquely drawn, revealed through fragments and nuances which require some exertion on the part of the audience to piece together into a coherent whole. Hare has had the daring to frame an entire play around a character who is almost unrelentingly unpleasant, and the skill to make her compelling and even, in the end, sympathetic. He's also been blessed with an actress named Kate Nelligan, veteran of two previous Hare works, whose banked sensuality, icy control, and prodigious range mark her as England's next legendary stage actress.

My two-week crash course in British theater was almost enough to make even an inveterate movie addict like me switch allegiances, but I'm reserving judgment for the time being. I've taken the precaution, however, of memorizing Freddie Laker's phone number, just in case. ❑

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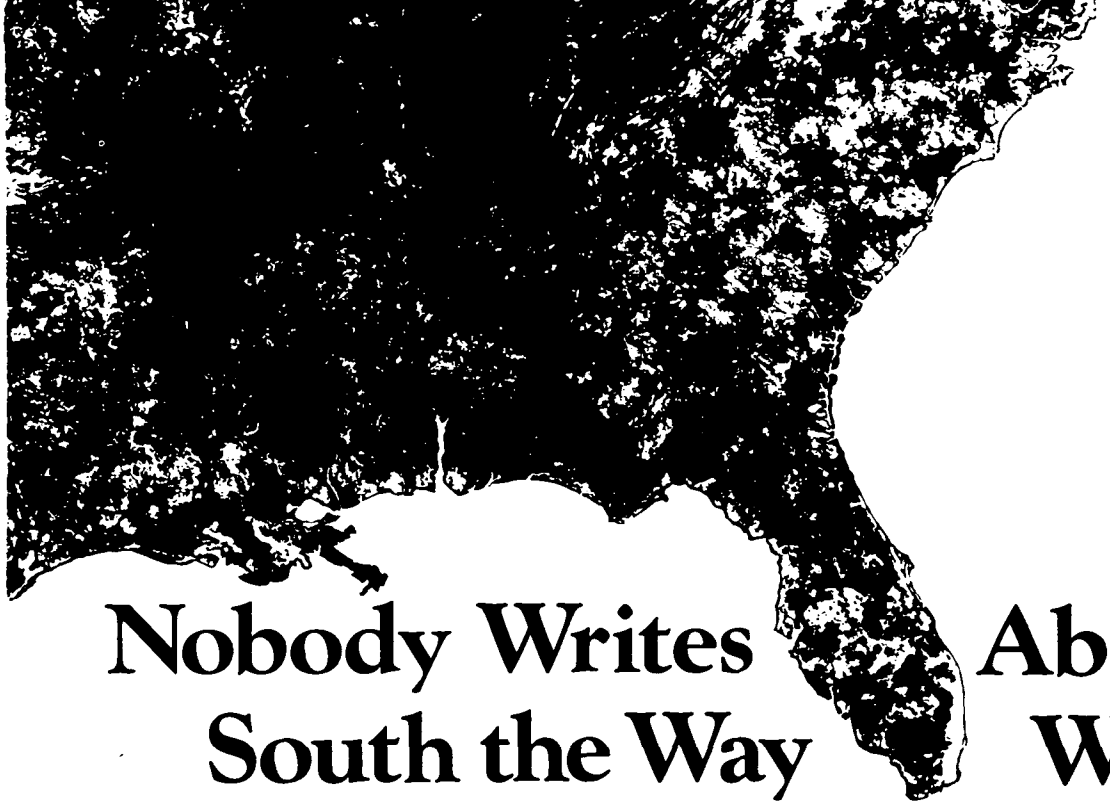

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